

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUL 21 1970

TELETYPE

NR005 CE PLAIN

453 PM URGENT 7-21-70 SMF

TO DIRECTOR
FROM CHARLOTTE (70-3765)

Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Walters
Mr. Mohr
Tele. Room
Miss Holmes
Miss Gandy

DENNIS EISMAN - VICTIM, CGR - ASSAULT.

PHONE CALL

RE CHARLOTTE FTS TO BUREAU TODAY.

RE CHARLOTTE TEL TO DIRECTOR TWENTIETH INSTANT IN CASE
ENTITLED "UNSUBS (FOUR) JEFFREY ROBERT MAC DONALD, COLETTE

K. MAC DONALD, KIMBERLY MAC DONALD, KRISTEN MAC DONALD -
VICTIMS; CGR - **Assault With Deadly Weapon** MURDER. OO GE. **Office at District of North Carolina**

USA WARREN H. COOLIDGE, EDNC, RALEIGH, NC. TODAY CONTACTED

FBI CHARLOTTE AND REQUESTED A CGR-ASSAULT INVESTIGATION BE
INSTITUTED BY FBI CONCERNING THE ALLEGED ALTERCATION WHICH
OCCURRED JULY TWENTY LAST AT FORT BRAGG ALLEGEDLY BETWEEN
DENNIS EISMAN AND A MILITARY INVESTIGATOR. INCIDENT OCCURRED

WHILE MILITARY AUTHORITIES WERE SEEKING TO OBTAIN HAIR SAMPLES FROM
CAPTAIN JEFFREY MAC DONALD FOR USE AS EVIDENCE IN CONNECTION WITH
MILITARY CHARGES AGAINST CAPTAIN MAC DONALD FOR MURDER OF HIS WIFE
AND TWO CHILDREN AT FORT BRAGG LAST FEB.

END PAGE ONE

54 AUG 4 1970

MR. SULLIVAN FOR THE DIRECTOR

REC-4

EX-117

6-1c

PAGE TWO

U. S. District Court

AFTER ~~USDC~~ RULED IT HAD NO JURISDICTION IN CONNECTION WITH THE QUESTION OF OBTAINING HAIR SAMPLES FROM CAPTAIN MAC DONALD, MILITARY AUTHORITY⁹ NOTIFIED MAC DONALD, 'S DEFENSE ATTORNEYS, DENNIS EISMAN AND BERNARD SEGAL, THEY WOULD OBTAIN SAMPLES OF CAPTAIN MAC DONALD'S HAIR ON THE MORNING OF JULY TWENTY BY FORCE, IF NECESSARY. CAPTAIN MAC DONALD REPORTEDLY LEFT HIS QUARTERS ABOUT SIX THIRTY AM ON JULY TWENTY LAST AND WENT WITH HIS ATTORNEYS TO THE HEARING ROOM, WHERE THEY LOCKED THEMSELVES INSIDE. EVENTUALLY THEY WERE ORDERED OUT BY MILITARY AUTHORITIES, WHEREUPON THEY DEPARTED VIA THE REAR DOOR, ENTERED AN AUTOMOBILE AND DROVE AWAY. THEY WERE FLAGGED DOWN BY MILITARY AUTHORITIES, WHO REPORTED THAT BOTH ATTORNEYS BEGAN YELLING AND FELL TO THE GROUND. ACCORDING TO MILITARY AUTHORITIES THE ONLY BLOWS STRUCK WERE THOSE STRUCK BY CAPTAIN MAC DONALD, WHO RESISTED BEING TAKEN INTO PROTECTIVE CUSTODY.

Associated Press

AN ~~AR~~ RELEASE ISSUED AT FORT BRAGG TODAY AND PUBLISHED IN TODAY'S ISSUE OF THE "CHARLOTTE OBSERVER" STATED AN AUTOMOBILE

END PAGE TWO

PAGE THREE

CONTAINING NEWSMEN WAS FOLLOWING BEHIND THE CAR CONTAINING CAPTAIN MAC DONALD AND HIS ATTORNEYS AT THE TIME THE INCIDENT OCCURRED ON JULY TWENTY. THE NEWSPAPER ACCOUNT CONTAINS THE FOLLOWING QUOTATION: "A BURLY MILITARY POLICEMAN GRABBED THE SKINNY FIVE FOOT EIGHT EISMAN AND THREW HIM TO THE GROUND. THE LAWYER HIT FACE DOWN, BREAKING HIS EYEGLASSES, AND DID NOT MOVE". THE NEW ARTICLE ALSO STATED "THE ARMY DENIED THE NEWSMEN'S EYE WITNESS ACCOUNT."

USA COOLIDGE ADVISED HE WAS REQUESTING AN INVESTIGATION IN ORDER TO OBTAIN THE TRUE AND COMPLETE FACTS SURROUNDING THIS INCIDENT BECAUSE HE FEELS THE MOTIVES OF CAPTAIN MAC DONALD'S ATTORNEYS ARE SUSPECT BECAUSE OF THE QUESTIONABLE MANNER IN WHICH THEY HAVE USED PUBLICITY AND PRESS COVERAGE IN CONNECTION WITH THE MILITARY HEARING PRESENTLY BEING CONDUCTED WITH REGARD TO THE MILITARY CHARGES AGAINST MAC DONALD. MR. COOLIDGE FEELS THE INCIDENT OF JULY TWENTY LAST IS A SHAME AND THAT MAC DONALD'S ATTORNEYS MAY WELL USE THIS INCIDENT AS A BASIS FOR A LATER SUIT AGAINST THE FEDERAL GOVERNMENT

END PAGE THREE

PAGE FOUR

FOR DAMAGES.

INVESTIGATION BEING INSTITUTED.

END.

JTJ FBI WASH DC

APR 10 1964

100-100000

CC-MR. ROSEN

July 20 1970

GENERAL INVESTIGATIVE DIVISION

On 2/17/70, the wife and children of Army Captain Jeffrey Robert MacDonald were both brutally slain at Fort Bragg, North Carolina. Since FBI jurisdiction is limited in murder cases on Government reservations to only those where non-dependent civilians are involved, the Army and the Department were so advised of our limited jurisdiction in writing. The Army has charged MacDonald with the murder of his wife and two daughters.

Attached concerns request of U.S. Attorney to conduct Crime on Government Reservation - Assault investigation in connection with alleged assault on MacDonald's attorney, Dennis Eisman, a civilian, by a military investigator on 7/20/70. U.S. Attorney states investigation requested as he questions motive of MacDonald's attorneys and that these attorneys may use this incident as a basis for suit against the Federal Government. Charlotte has instituted requested investigation.

CEP:ssm

Rpm

lc

lc

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AB

hb

WBS

70-52631-2

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Sullivan *SW*

DATE: July 22, 1970

FROM : A. Rosen *R*

SUBJECT:

**DENNIS EISMAN-VICTIM
CRIME ON GOVERNMENT RESERVATION (CGR)
ASSAULT**

- 1 - Mr. Sullivan
- 1 - Mr. Rosen
- 1 -
- 1 -
- 1 -
- 1 - Mr. Bishop

Tolson _____
Sullivan _____
Mohr _____
Bishop _____
Wheeler, C.D. _____
Callahan _____
Casper _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holloman _____
Candy _____

This matter arises out of current Army hearings at Fort Bragg, North Carolina to determine whether Captain Jeffrey MacDonald will be charged with murder in connection with the slaying of his wife and two daughters on 2/17/70.

see notes
On 7/20/70, the Army was to obtain hair samples from MacDonald, and MacDonald and his lawyers locked themselves in a hearing room, and when military police attempted to gain entrance, escaped out a back door and drove away. Military police stopped their car, arrested MacDonald, and thereafter removed him to take the samples. At the time of arrest, some of the attorneys for MacDonald, Dennis Eisman, claims that a military policeman threw him to the ground. This alleged assault was witnessed by newsman, who reported the incident. The Army claims that Eisman threw himself to the pavement.

We are conducting a CGR-Assault investigation at the request of the U.S. Attorney in order that the truth may be ascertained and if the defense counsels are lying to prevent their using this incident as a basis for suit against the Federal Government. Supervisor

Charlotte, advises that Associated Press on 7/22/70, quotes the Justice Department as denying that any investigation is being conducted into this alleged assault. Crime Records Division advises that they have not been contacted by the Department. Departmental Attorney Dan Murrell was advised that the FBI is conducting a CGR-Assault investigation at the request of the U.S. Attorney, Raleigh. He was also advised of the Associated Press story.

ACTION: For information.

AFN:ssm
(7)

F160
53 AUG 6 1970

REC-56 70-52631-26
10 JUL 27 1970
MCT-51
WAS
WAS
WAS

F B I

Date: 7/28/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, CHARLOTTE (70-3765) (P)

SUBJECT:
DENNIS EISMAN - VICTIM
CGR - ASSAULT

See Re Charlotte teletype to Bureau dated 7/21/70.

During interviews of newspapermen witnesses at Fort Bragg, N. C., 7/22/70, it was learned they had cameras with them at time Captain JEFFREY MAC DONALD was intercepted on 7/20/70 by military police for purpose of taking hair samples. Attorneys for MAC DONALD, DENNIS EISMAN and BERNARD SEGAL, of Philadelphia, had requested newspapermen be on Fort Bragg reservation early that day with the equipment inasmuch as a confrontation was expected between MAC DONALD and military police who had been ordered to intercept him for clipping purposes.

Film taken was turned over to Associated Press (AP) Reporter , who had it developed. , on 7/27/70, advised FBI, Charlotte, that some of the film appeared to be of value. This is contradicted by Associated Press at Charlotte. AP at first offered negatives to FBI, Charlotte, for reproduction then retracted offer today because of objection by EISMAN. EISMAN is now in Philadelphia due to a week recess in MAC DONALD murder hearing on Ft. Bragg.

AUSA EDNC, when apprised of existence of film and the fact its use was being denied FBI, suggested that, even though it was made by MAC DONALD's camera and was his film, newspapermen had custody of film and to deny making it available could be a violation of Section 1503,

2 - Bureau
2 - Charlotte

HWT:rep

(4)

JUL 29 1970

5 AUG 6 1970

Approved: _____

Special Agent in Charge

Sent _____

M

Per _____

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b7Cb6
b7C

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

CE 70-3765

Title 18, U. S. Code. On 7/28/70, [] was contacted by AP [] who agreed to write AUSA a letter stating he was not turning over film to FBI because EISMAN wanted to do so after he had had an opportunity to see it. This arrangement is agreeable to []

Report follows.

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b7c

- 2 -

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

FEDERAL BUREAU OF INVESTIGATION

| | | | |
|---|--------------------------------------|---|---|
| REPORTING OFFICE CHARLOTTE | OFFICE OF ORIGIN CHARLOTTE | DATE 7/29/70 | INVESTIGATIVE PERIOD 7/21 - 29/70 |
| TITLE OF CASE CHANGED - [REDACTED] | | REPORT MADE BY SA H. WARREN TOOL, JR. | TYPE BY dh |
| [REDACTED] DENNIS HUBERT EISMAN - VICTIM; BERNARD L. SEGAL - VICTIM DENNIS EISMAN | | CHARACTER OF CASE CGR - ASSAULT | |

Title is marked changed to add [REDACTED] as a subject and BERNARD L. SEGAL as a victim; also to set forth full names of subject [REDACTED] and victim EISMAN. Title previously carried as [REDACTED]; DENNIS EISMAN - VICTIM, CGR - ASSAULT."

REFERENCE:

Charlotte teletype to Director, 7/21/70, captioned [REDACTED] DENNIS EISMAN - VICTIM, CGR - ASSAULT."

- P -

| | | | | | | | | |
|--|------------|------|-------|---------|------------|--|----------------------------|---|
| ACCOMPLISHMENTS CLAIMED | | | | | | <input checked="" type="checkbox"/> NONE | ACQUIT- TALS | CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| CONVIC. | AUTO. | FUG. | FINES | SAVINGS | RECOVERIES | | | |
| APPROVED <i>[Signature]</i> COPIES MADE: ③ - Bureau 1 - USA, Raleigh, N. C. 2 - Charlotte (70-3765) | | | | | | | SPECIAL AGENT IN CHARGE | |
| DO NOT WRITE IN SPACES BELOW 70-52631-4 22 JUL 31 1970 [Stamp: STAFF SECT.] | | | | | | | REC 9 EX-116 | |
| | | | | | | | [Stamp: AUG 10 1970] | |
| | | | | | | | [Stamp: AUG 10 1970] | |
| Dissemination Record of Attached Report | | | | | | | Notations | |
| Agency | [REDACTED] | | | | | | [REDACTED] | |
| Request Recd. | [REDACTED] | | | | | | [REDACTED] | |
| Date Fwd. | [REDACTED] | | | | | | [REDACTED] | |
| How Fwd. | [REDACTED] | | | | | | [REDACTED] | |
| By | [REDACTED] | | | | | | [REDACTED] | |

CE 70-3765

ADMINISTRATIVE:

On 7/22/70 [redacted] Field Assistance Division, Criminal Investigation Division, (CID) b6 b7C United States Army, located in Temporary B Wing 2, Room 2015, Fort Mc Nair, Washington, D. C., was present at CID Headquarters at Fort Bragg, North Carolina.

[redacted] said that he had been ordered, with two assistants, from CID Headquarters to Fort Bragg, to make an administrative inquiry into what had occurred between CID Agent [redacted] and the attorneys of Captain JEFFREY R. MAC DONALD on the morning of July 20, 1970, on the Fort Bragg Military Reservation. b6 b7C

[redacted] said that one purpose of his inquiries was to determine if [redacted] was wrong in the action he took and if so, to recommend administrative action. b6 b7C

[redacted] said he did not want to interfere in any way with the inquiries being conducted by FBI Agents; that he contemplated interviews, if necessary, with all military personnel but did not expect to be interviewing Attorneys EISMAN or SEGAL or newspaper representatives who were present at the site and time of the alleged incident. b6 b7C

On July 24, 1970, [redacted] said he had been informed that Messrs. EISMAN and SEGAL had prepared depositions which they expected to furnish to the Commanding General of Fort Bragg Military Reservation, setting out what occurred, and that the depositions were being given him for appropriate action. He said he understood copies were to be made available to the FBI also. b6 b7C

[redacted] advised that he contemplates contacting the Bureau's Liaison Section at the SOG on his return to Washington, D. C., to see if it would be possible for the Department of the Army to obtain a copy of the FBI's report in this case. b6 b7C

In view of his comment, an extra copy of this report is furnished the Bureau should dissemination be decided.

CE 70-3765

LEADS:

CHARLOTTE:

AT FAYETTEVILLE, N. C.

1. Will follow results of investigation at Philadelphia to obtain photographs taken by newsmen from defense attorney EISMAN.

2. Will also follow results of investigation to obtain releases from defense attorneys SEGAL and EISMAN for examination of records at Cape Fear Valley Hospital, Fayetteville, pertaining to their examinations at this Hospital on 7/20/70.

3. If releases are obtained, will examine records at Cape Fear Valley Hospital and interview

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4. Will consult with USA concerning any needed additional investigation including the need for issuances of subpoenas, if warranted.

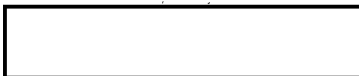
UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - U. S. Attorney, Raleigh, North Carolina

Report of: H. WARREN TOOL, JR. Office: CHARLOTTE
Date: July 29, 1970

Field Office File #: 70-3765 Bureau File #:

Title:



DENNIS HUBERT EISMAN - VICTIM;
BERNARD L. SEGAL - VICTIM

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b7C

Character: CRIME ON GOVERNMENT RESERVATION - ASSAULT

Synopsis:

EISMAN and SEGAL are civilian attorneys for Captain JEFFREY R. MAC DONALD who is charged by military authorities at Ft. Bragg, N. C., with implication in the murder of his pregnant wife and two small daughters. On 7/20/70 military authorities at Ft. Bragg sought hair samples from MAC DONALD for comparison purposes, located him on base and ordered him to submit to protective custody. Military personnel who were witnesses to confrontation contend EISMAN and SEGAL obstructed military authorities in reaching MAC DONALD. Victims and newspapermen present contend EISMAN physically thrown to ground by CID Agent; that SEGAL also shoved aside. Hospital records show no serious injury to EISMAN and SEGAL not admitted. Sketches and photographs of alleged assault site secured.

- P -

DETAILS:

AT FAYETTEVILLE, NORTH CAROLINA

CE 70-3765

PREDICATION

CE 70-3765

The July 21, 1970, issue of the "Observer" newspaper, a daily newspaper published at Fayetteville, contained an article stating that the attorneys for Captain JEFFREY R. MAC DONALD had been assaulted by military police at the time hair samples were to be taken from him while on the Fort Bragg Military Reservation.

MAC DONALD, in a widely-publicized case, is charged by military authorities in implication in the vicious murder of his pregnant wife and two small girls during February, 1970. The military has been seeking hair samples for comparison purposes.

The newspaper article identified the assaulted attorneys as DENNIS EISMAN and BERNARD SEGAL, both civilians, from Philadelphia, Pennsylvania, and stated that newspapermen witnessed the incident.

On the same date, United States Attorney WARREN H. COOLIDGE, Eastern District of North Carolina, Raleigh, North Carolina, requested inquiries be made concerning the alleged altercation which had occurred on July 20, 1970, on Fort Bragg.

Mr. COOLIDGE desired the investigation in order to obtain the true and complete facts surrounding the incident. He said that he felt the motive of the attorneys might be suspected because of the questionable manner in which they have used publicity and press coverage in connection with the military hearing under way regarding the military charges against MAC DONALD. Moreover, he desired the inquiry be made because the attorneys might later well use the incident as a basis for a later suit against the federal government for damages.

CE 70-3765

INTERVIEWS OF VICTIMS EISMAN AND SEGAL

FEDERAL BUREAU OF INVESTIGATION

1

Date July 28, 1970

DENNIS HUBERT EISMAN, Attorney, furnished the following information:

EISMAN advised that [] a reporter for the "Fayetteville Observer;" [] an Associated Press reporter; [] a reporter with the "Raleigh News and Observer," Raleigh, North Carolina; and [] with the Public Information Office, Fort Bragg, North Carolina, were witnesses to the alleged assault on him and BERNARD L. SEGAL on July 20, 1970.

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EISMAN advised that these reporters are trained observers and he would have to rely upon what they viewed of the alleged assault; however, furnished the following account from his own recollection:

EISMAN advised that he was seated in the back seat directly behind Captain JEFFREY MAC DONALD and SEGAL was seated in the rear seat directly behind [] who was driving Captain MAC DONALD's 1965 Chevrolet convertible. He stated at about 9:30 or 10 AM on July 20, 1970, they drove by Captain MAC DONALD's quarters at which time they saw several people running to military vehicles. He stated that they observed a jeep drive by them with its siren on.

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EISMAN stated that they then turned around and went back by the BOQ (Bachelor Officers Quarters) the same way they had come at which time a car came around them, just missing a girl on a bicycle, and cut them off.

He stated that a Captain got out of this vehicle wearing United States Army fatigues and walked up to the passenger side of the car and said "Captain MAC DONALD, get out of the car." EISMAN advised that he asked what the problem was and the Captain again said "Captain MAC DONALD, get out of the car."

EISMAN advised he then said "Wait a minute," and got out of the car. He stated he then walked around the car

On 7/22/70 at Fort Bragg, N. C. File # CE 70-3765

by SA's [] and []
L. DEAN PAARMANN HCB: dh Date dictated 7/27/70

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and walked up to [] the Military Police officer, and introduced himself as Captain MAC DONALD's attorney. [] then said "I'm taking Captain MAC DONALD into protective custody. Captain MAC DONALD, get out of the car."

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EISMAN advised by this time other jeeps and Army cars had arrived on the scene. He stated that he was standing in front of Captain MAC DONALD and the car door was open. He stated that [] then again repeated "Captain MAC DONALD, get out of the car."

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EISMAN advised that a man dressed in a suit who was a white male, about 6 feet 2-3 inches, weighing about 220-230 pounds, came up and [] told this man to get Captain MAC DONALD out of the car.

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b7C

EISMAN said "the big guy in the civilian suit" walked toward him, grabbed him around the chest, picked him up by the suit, and threw him a good distance through the air to where he landed on his face and neck.

EISMAN advised that his glasses were broken and were found on the ground where there was a sparsely grassed area next to the street. He stated that the next thing he recalls is that a couple of people moved him to another area when an ambulance came and took him to Womack Army Hospital at Fort Bragg, North Carolina.

EISMAN again advised that the above is his recollection of the assault and that he would have to stand on the firsthand account of the alleged assault viewed by the reporters.

The following description of EISMAN was obtained through observation and interview:

| | |
|--------|---|
| Race | White |
| Sex | Male |
| Born | October 9, 1940 at Philadelphia, Pennsylvania |
| Height | 5 feet 10 inches |
| Weight | 155 pounds |

CE 70-3765

3

Hair
Eyes
Home address
Office address

Red
Brown
1345 Fair Acres Road
Rydal, Pennsylvania 19046
Suite 600, 1 East Penn Square
Building, Philadelphia,
Pennsylvania

FEDERAL BUREAU OF INVESTIGATION

Date July 28, 1970

1

BERNARD L. SEGAL, Attorney, furnished the following information:

SEGAL referred Special Agents [redacted] and L. DEAN PAARMANN to the account of an alleged assault on July 20, 1970, on him and Mr. EISMAN to an article in the "Fayetteville Observer," by [redacted] a reporter, which was written in the first person and advised that this was a true account of the incident.

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SEGAL further advised that he (SEGAL), DENNIS H. EISMAN, [redacted] and Captain MAC DONALD left the hearing room at Building HT 3002 at the corner of 15th and "B" Streets, Fort Bragg, North Carolina, at about 9:30 AM, in Captain JEFFREY MAC DONALD's Chevrolet convertible. He advised that they drove past Captain MAC DONALD's barracks and then they went by Captain MAC DONALD's barracks a second time, when he heard someone say there was a Ford Thunderbird behind them with lights flashing and a horn honking. He then stated that he saw an officer driving the car and [redacted] pulled the car over to the side of the road. When the officer emerged from the Thunderbird, he came up to Captain MAC DONALD's window who was seated in the right front passenger seat and advised that he was [redacted] a Military Policeman.

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[redacted] said "Captain MAC DONALD, get out of the car." SEGAL advised that EISMAN then got out of the car and asked [redacted] what he wanted. SEGAL advised that he then got out of the car and asked "Who are you? What do you want?" SEGAL advised that his original impression was that [redacted] was going to give them a ticket for going through a Colonel's housing area.

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SEGAL stated that [redacted] then said "Captain MAC DONALD, I order you out of the car." SEGAL advised that he again questioned [redacted] authority. SEGAL advised that at that time an unmarked Army sedan and several jeeps pulled up and [redacted] waved to two men to come over to him.

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On 7/22/70 at Fort Bragg, N. C. File # CE 70-3765

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b7C

SA's [redacted] and
by L. DEAN PAARMANN HCB: dh Date dictated 7/27/70

CE 70-3765

2

SEGAL advised that he and EISMAN were standing next to each other. [] then pointed out Captain MAC DONALD to a white male in civilian clothes about 6 feet 2 inches tall who approached them and was one of the individuals who grabbed EISMAN and threw him to the ground. SEGAL recalls seeing EISMAN's feet leave the ground.

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SEGAL advised that he was then grabbed by the front of his suit by another man who was a white male, about 6 feet, weighing 180 pounds. He stated this man pulled him away from the car and pushed him toward the rear of the car where he hit with his right shoulder and was leaning on the car. He stated that he did not hit the ground but saw EISMAN lying with his face down on the ground. He stated that he next saw both men grab Captain MAC DONALD and pull him out of the car and they disappeared in the unmarked Army sedan.

SEGAL advised that when he next saw EISMAN, his face was flat on the ground. He stated that he went to help him turn over as he knew EISMAN had had a prior household neck injury. He stated that EISMAN's glasses had been broken with a lens being chipped and the frames bent.

SEGAL advised that an ambulance was summoned at this time and he checked his watch and determined that it was 17 minutes from the time the ambulance was summoned to the assault scene until it arrived.

The following description of SEGAL was obtained through observation and interview:

| | |
|------|--|
| Race | White |
| Sex | Male |
| Born | July 26, 1930 at Philadelphia, Pennsylvania |

CE 70-3765

3

Height
Weight
Hair
Eyes
Residence

5 feet 9½ inches
180 pounds
Black and graying
Blue
7024 Mc Callum Street
Philadelphia, Pennsylvania
19119

Office address

Suite 600, 1 East Penn Square
Building, Philadelphia,
Pennsylvania

CE 70-3765

INTERVIEWS OF SUBJECTS

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FEDERAL BUREAU OF INVESTIGATION

1

Date July 28, 1970

[redacted] 125th Military Police Detachment (Criminal Investigations), Fort Bragg, North Carolina, Social Security Number [redacted] was interviewed by Special Agent [redacted] and Special Agent L. DEAN PAARMANN. Special Agent [redacted] advised [redacted] he was to be interviewed concerning [redacted] DENNIS H. EISMAN on July 20, 1970.

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Agent [redacted] furnished [redacted] a waiver of rights form which he read, signed, and stated he understood and thereafter furnished the following information:

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[redacted] advised that on July 20, 1970, he was working with [redacted] to assist in obtaining hair samples from the body of Captain JEFFREY MAC DONALD.

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[redacted] advised that he went to the hearing room in the Smoke Bomb Hill area at Fort Bragg where [redacted] went into the hearing room in an attempt to get Captain MAC DONALD. He stated that he and [redacted] then returned to the CID Office at Fort Bragg, North Carolina. When they were notified that Captain MAC DONALD had left the hearing room and was headed toward his BOQ in a 1965 Chevrolet convertible, [redacted] advised that he, [redacted] headed in the area. He stated that when they arrived at the intersection of Randolph and Hamilton Streets, [redacted] observed MAC DONALD's car and they began following it. When they reached the intersection of Pelham and Capron Streets where MAC DONALD's car was stopped for a stop sign, he observed two other cars and people were getting out of these cars. He stated at that time [redacted] a Military Police officer, told him to take Captain MAC DONALD into protective custody.

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[redacted] advised that he recognized Captain MAC DONALD in the 1965 Chevrolet white convertible with a black top and observed that there was a red-haired man who he now knows to be

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On 7/22/70 at Fort Bragg, N. C. File # CE 70-3765

SA's [redacted] and [redacted]
by L. DEAN PAARMANN HCB: dh Date dictated 7/27/70

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CE 70-3765

2

DENNIS EISMAN who was blocking his view of MAC DONALD. [redacted] advised that [redacted] EISMAN and at this time EISMAN put his hands up, however, did not touch him. [redacted] stated that [redacted]

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[redacted] He stated that [redacted] Captain MAC DONALD by the arm. Captain MAC DONALD pulled away from him and then he heard someone say from behind him, "Go ahead, Jeff," and then MAC DONALD started getting out of the car.

[redacted] advised that [redacted] Captain MAC DONALD with the assistance of [redacted] to the car in which he [redacted] had arrived and [redacted] opened the right rear door and MAC DONALD started to get into the car. As he bent his head over to get in, he kicked [redacted] in the right thigh.

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[redacted] advised that they then took MAC DONALD to the CID Office at Fort Bragg, North Carolina.

[redacted] advised that during the whole time that [redacted] Captain MAC DONALD [redacted] MAC DONALD because he was aware that MAC DONALD knew that they were trying to get hair samples from him and that he was also aware Captain MAC DONALD was a suspect in three murders and was not aware of his mental condition at this time and what MAC DONALD would do to evade apprehension.

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[redacted] advised that [redacted] assaulted either of the attorneys and further stated that he feels that the attorneys were interfering [redacted]

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He further stated that he feels that the attorneys and MAC DONALD were attempting to evade arrest when they went into the officers housing area, which is a restricted area and not a thoroughfare.

CE 70-3765

3

The following description of was obtained through observation and interview:

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Race
Sex
Born

Height
Weight
Hair
Eyes
Military service



United States Army
July 1, 1958 to May 18, 1961
and from August 8, 1961 to
the present

FEDERAL BUREAU OF INVESTIGATION

1

Date July 28, 1970

[redacted]
[redacted] Fort Bragg, North Carolina, assigned to [redacted]
[redacted] Fort Bragg, North Carolina, was interviewed by Special Agents [redacted]
[redacted] and L. DEAN PAARMANN. Agent [redacted] advised [redacted]
[redacted] he was to be interviewed concerning [redacted]
[redacted] BERNARD L. SEGAL on July 20, 1970.

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Special Agent [redacted] furnished [redacted] a waiver of rights form which he read, signed, and stated he understood and thereafter furnished the following information:

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[redacted] advised that on July 20, 1970, he was on a special assignment with [redacted]
[redacted] to obtain hair samples from Captain JEFFREY MAC DONALD.

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[redacted] advised that at about 10 AM on July 20, 1970, he, [redacted] were at the CID Office when they were notified that Captain MAC DONALD's 1965 Chevrolet convertible, white with a black top, had left the hearing room and was headed toward MAC DONALD's BOQ. He advised when they arrived at the traffic circle on Randolph Street, they observed Captain MAC DONALD's Chevrolet convertible passing in front of Grant Hall which is MAC DONALD's BOQ and also observed a maroon Thunderbird pull out of a parking lot at Grant Hall and onto Randolph Street behind Captain MAC DONALD's car.

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[redacted] advised that he recognized the maroon car as [redacted] Thunderbird, a military police officer. He stated that he also observed another car following MAC DONALD's car which he later learned was occupied by reporters.

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[redacted] advised that they followed the 1965 Chevrolet convertible until it stopped at a stop sign at the intersection of Pelham and Capron Streets, Fort Bragg, North Carolina. He advised that when they reached the intersection, the cars were in line with Captain MAC DONALD's car followed by [redacted]

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On 7/22/70 at Fort Bragg, N. C. File # CE 70-3765

SA's [redacted] and [redacted]
by L. DEAN PAARMANN HCB: dh Date dictated 7/27/70

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CE 70-3765

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car, then the reporters' car, an Army Ford, and then their vehicle, which they pulled up to the left of all of the other cars. [] advised that [] got out of their vehicle and proceeded toward [] [] was talking to EISMAN, one of Captain MAC DONALD's attorneys, and [] stayed in the military vehicle and acted as []

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[] advised as [] approached [] told [] to place Captain MAC DONALD under protective custody. [] then stepped back out of the way and [] walked over to the passenger door of the MAC DONALD vehicle and [] followed him.

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[] advised that [] was standing in the way and he asked him to move to the rear so he could assist [] He advised that he observed [] reach toward EISMAN and place his hands on EISMAN's waist at which time EISMAN kind of leaped between him and [] [] advised that he then stepped closer to the door as he then observed SEGAL, another attorney of Captain MAC DONALD's, at the rear of the 1965 Chevrolet. He advised that after EISMAN was out of the way, he attempted to assist [] in removing Captain MAC DONALD from the vehicle. While he was attempting to help [] someone kept hitting him in the back and trying to get around him. [] advised that he turned around and SEGAL was trying to get around him. He advised that []

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[] and observed SEGAL walk away from the car. He later observed SEGAL sitting on the ground next to the car.

[] stated at about that time he heard someone from behind him say "Go ahead and go with them, JEFF," and at that time MAC DONALD got out of the car and he assisted [] in escorting MAC DONALD to the car which they had arrived in.

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CE 70-3765

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He stated that the door (rear) to the car was open and MAC DONALD started to get into the car and when he did, he gave a kicking movement with his left foot and struck [redacted] in the right thigh. [redacted] advised that he got into the back seat with MAC DONALD and [redacted] got into the front seat of the car and they went to the CID Office at Fort Bragg, North Carolina.

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[redacted] advised that he does not feel that he assaulted Mr. SEGAL. He stated that he was merely attempting to keep SEGAL from interfering with the arrest of Captain MAC DONALD. He stated that he did not push SEGAL or assault him in any way.

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The following is a description of [redacted] as obtained through observation and interview:

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Race
Sex
Born

Height
Weight
Hair
Eyes
Home address

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| |
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CE 70-3765

INTERVIEWS OF THOSE MILITARY PERSONNEL ON
THE SCENE

FEDERAL BUREAU OF INVESTIGATION

1

Date July 29, 1970

[redacted] Social Security Account
 Number [redacted] advised he was a [redacted]
 assigned to the [redacted] Fort Bragg,
 North Carolina, and that he was in duty status at about
 10:00 AM, July 20, 1970.

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[redacted] in a statement to his superiors and set out
 below, furnished information regarding his participation in
 the interception of Captain JEFFREY MAC DONALD at approximately
 10:00 AM, July 20, 1970. In addition to his statement to the
 military, [redacted] said he had had 13 years of duty as a [redacted]
 [redacted] in the United States Army. He said he had no
 additional information about the incident involving MAC DONALD's
 interception by him at the intersection of Pelham and Capron
 Streets on Fort Bragg Army Reservation, and the alleged
 confrontation between him and MAC DONALD's attorneys DENNIS
 EISMAN and BERNARD SEGAL, with the exception of the fact that
 he did not see [redacted]
 [redacted] or any other member of the military, touch EISMAN.

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[redacted] said EISMAN maintained himself in a position
 so as to obstruct him and the other military personnel from
 Captain MAC DONALD and that after he had given the order that
 MAC DONALD be placed in protective custody, and when one of
 the CID Investigators approached EISMAN, EISMAN threw himself
 to the ground, face down, and used his hands and arms under
 him to break his fall. He said after EISMAN fell to the
 ground, he did not hear him speak or call out. He said when
 he fell, EISMAN appeared to twist himself off to the left
 as he turned and fell.

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[redacted] said there was no question whatsoever
 in his opinion that attorney DENNIS EISMAN was obstructing
 military personnel physically after he ordered those same
 personnel to take Captain MAC DONALD into protective custody.
 He said in his opinion, EISMAN executed a "Hollywood stunt
 man fall."

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[redacted] reiterated that he saw no hands
 placed on either EISMAN or his associate BERNARD SEGAL.

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On 7/21/70 at Fort Bragg, N. C. File # CR 70-3765

SA's L. DEAN PAARMANN and
 by H. WARREN TOOL, JR. HWT: dh Date dictated 7/27/70

CE 70-3765

2

follows:

[redacted] statement to his superiors is as

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"At approximately 1000 hours, 20 July 1970, I went over to Grant Hall to inform [redacted] of some information pertaining to a case. About that time a notification by telephone apprised [redacted] that CPT Jeffery MacDonald had departed the hearing room with his escort officers and legal counsel. The caller did not know their destination. About five minutes later I saw a 1965 white Chevrolet convertible, which is the type of car CPT MacDonald owns, proceeding on Randolph Street towards Knox Street. I informed [redacted] An all points bulletin was put out directing the police patrols to be on the look-out for CPT MacDonald. A description of the car was given. Approximately ten minutes later, I saw the same convertible proceeding on Randolph Street towards the traffic circle. There was no MP vehicles around, so I got into my POV and followed the car. A 1970 Ford was in between my car and the MacDonald vehicle. I passed the car and when MacDonald's car approached the intersection of Pelham Street and Capron Street, the car stopped. I got out of my car and explained to the [redacted] that I would like CPT MacDonald to come with me. I then walked around the car and told CPT MacDonald that he was being placed under protective custody and asked him to come with me. At that time [redacted] and [redacted] arrived. I told them to take CPT MacDonald with them. A civilian with red hair later identified as Mr. Dennis Eisman, one of CPT MacDonald's lawyers, stepped between me and MacDonald and said that he isn't going anywhere. He demanded to see my warrant for MacDonald's arrest. I told Mr. Eisman

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CE 70-3765

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"that MacDonald wasn't under arrest but that he was being placed under protective custody. Another civilian, later identified as Bernard Segal, began yelling at me. At this time, I instructed [redacted] to take CPT MacDonald with him. Segal and Eisman continued to block the way. While speaking with Segal, Mr Eisman violently threw himself to the ground. I directed the MPs to assist him and to call an ambulance. I then requested that Mr. Segal accompany CPT MacDonald to the CID office. He ignored my request and I left the scene. The car was left at the scene as Mr. Segal obtained the keys from the escort officer. I then went back to Grant Hall and saw [redacted]

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FEDERAL BUREAU OF INVESTIGATION

1

Date July 28, 1970

[redacted] assigned b6 b7C
to the [redacted] Fort Bragg, North Carolina, and whose rank is Specialist E-4, was interviewed in the Criminal Investigation Department Headquarters at Fort Bragg, North Carolina, on July 22, 1970.

[redacted] stated that at approximately 10:00 a.m. on July 20, 1970, he was riding in a duty sedan with another [redacted] They had previously heard a report over the Fort Bragg radio network that Captain MAC DONALD, who was missing, was reported to be driving his personally-owned vehicle, a white Chevrolet with a black top. b6 b7C

[redacted] advised that about that time, they observed Captain MAC DONALD's car on Randolph Street, turning in a westerly direction past the taxi stand. b6 b7C

[redacted] advised that driver [redacted] and himself attempted to catch the car and finally caught up with the MAC DONALD vehicle after [redacted] had already stopped the [redacted] vehicle on the corner of Capron and Pelham Streets. [redacted] advised that they pulled up behind the [redacted] vehicle and then pulled to the front of the MAC DONALD vehicle so as not to block traffic and to be in a position in the event the MAC DONALD vehicle attempted to flee. b6 b7C

[redacted] advised that he got out of his sedan and went back to the area of the MAC DONALD vehicle where he noted [redacted] attempting to speak with Captain MAC DONALD who was in the front passenger seat of the MAC DONALD vehicle. [redacted] stated that he recalls [redacted] asking Captain MAC DONALD to exit the vehicle and to come with him. He also recalled seeing Messieurs EISMAN and SEGAL get out of the MAC DONALD vehicle and position themselves in front of the open passenger door of the MAC DONALD vehicle, thereby shielding Captain MAC DONALD from [redacted] b6 b7C

[redacted] recalls one of the attorneys asking [redacted] if [redacted] had a warrant for Captain MAC DONALD's arrest. b6 b7C

On 7/22/70 at Fort Bragg, N. C. File # CE 70-3765

by SA's L. DEAN PAARMANN and [redacted] / LDP:bgs Date dictated 7/27/70 b6 b7C

At approximately this time, a Criminal Investigation Department (CID) sedan arrived at the scene with a CID [] named [] in the car. [] recalls [] walking up to the scene and hearing [] order [] to place Captain MAC DONALD under protective custody.

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[] stated that to the best of his recollection, as CID [] touched EISMAN with his hands, Mr. EISMAN fell forward, twisted his body and fell face down on the ground with his feet approximately three feet from the MAC DONALD vehicle. [] believes that EISMAN had his glasses on but could not recall whether or not EISMAN's glasses were broken. At this particular moment when EISMAN fell forward, [] stated that he was standing at the rear edge of the open door, but was behind CID [] who had stepped in front of [] in an effort to effect the apprehension of Captain MAC DONALD. [] continued that SEGAL, who was standing to the right of Attorney EISMAN and with his back also to the MAC DONALD vehicle in the same general manner as Attorney EISMAN, was not noted to fall, leave his feet or in any way be bumped or pushed during this incident.

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After Captain MAC DONALD was placed into custody by CID [] and put in another vehicle for transportation, [] assisted another military policeman and moved Mr. EISMAN to a nearby tree to sit down. At that time, according to [] recollection, EISMAN complained of a sore neck.

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[] then returned to his vehicle and drove to the CID office to report the incident.

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The following is a description and personal data relative to [] as furnished by him during the interview:

Name:
Date of Birth:
Place of Birth:
Height:
Weight:
Hair:
Eyes:
Social Security
Number:

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Military Assignment: Member of [redacted]
[redacted] Fort
Bragg, North Carolina

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Grade: Specialist E-4

Address of Record: [redacted]

The following is a statement given by [redacted] to his superior officers concerning this incident:

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"I, [redacted] want to make the following statement under oath:

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"On 20 July 1970, at approximately 1000 hours, I heard a report over the Bragg radio net that CPT MacDonald was missing and reported to be in a white Chevrolet with a black top. The next transmission heard was that CPT MacDonald's car was seen heading east on Randolph Street towards Knox Street. I and several other [redacted] saw the car described go around the taxi stand on Randolph Street and then turn west. [redacted] and myself used a duty sedan and caught up with the MacDonald car in front of Grant Hall where [redacted] pulled out of the parking lot behind MacDonald's car and in front of our vehicle with his POV. MacDonald's car turned off of Randolph Street onto Hunt Street where [redacted] by blowing his horn, stopped CPT MacDonald's car at the corner of Capron and Pelham Streets. [redacted] pulled up directly to the rear of the MacDonald car and [redacted] and myself pulled up front. I got out of the sedan and went to assist [redacted] who had gone to the right side of the MacDonald car. [redacted] asked for MacDonald to get out of the car and to come with him. Two attorneys, later identified as Segal and Eisman, got out of the car and stood in front of the door in between MacDonald and [redacted] and myself. The attorneys asked [redacted] if he had a warrant for CPT MacDonald's arrest, and at this time a CID sedan pulled up with [redacted]

who came to the scene. Segal and Eisman still stood in the way of MacDonald when [] told [] to place MacDonald under protective custody. The two attorneys heard this and started talking at the same time. At this time, [] told [] to get MacDonald out of the car. MacDonald was in the front seat, the car door was wide open with the two attorneys standing in the door; [] was standing towards the rear and away from the car; I was standing at the rear edge of the open door and [] stepped in front of me and brushed by Eisman. Eisman fell forward and bumped into me as he fell to the ground. Eisman laid on the ground, face down, and groaned and moaned. MacDonald said nothing about this whole incident, but got out of the car and went with [] to the CID sedan. Eisman was laying on the ground approximately two to three minutes, while two photographers were busy taking pictures, and he was helped up by an MP and myself. At this time Eisman complained of a sore neck and was helped to a tree to sit down. I then got in my vehicle and left the scene and returned to the CID office and reported the incident to []

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FEDERAL BUREAU OF INVESTIGATION

1

Date July 29, 1970

Specialist E-4 [] Social Security Account Number [] advised he was on duty July 20, 1970, as an [] for the [] at Fort Bragg, North Carolina.

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[] a member of the [] on Fort Bragg, said he had been a member of the police department at Los Angeles, California, before coming into military service.

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[] said that in connection with attempts on the part of the military to secure hair samples from Captain JEFFREY MAC DONALD on that date, he had been given an assignment to assist in intercepting the Captain for this purpose. [] said that he had furnished a statement to his superiors regarding the matter of MAC DONALD's interception which he felt was sufficient, that he saw nothing in addition.

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However, advice was furnished by [] that he did not see MAC DONALD's attorney DENNIS EISMAN fall to the ground in connection with the confrontation between [] and MAC DONALD's attorneys. He said he had turned from the scene to use the radio to inform his headquarters of his location; that when he had finished doing this and gotten out of his vehicle, he saw one of the attorneys, later determined to be EISMAN, lying on the ground with his hands under his chest and neck like he was planning to do some pushups. He said EISMAN was face down and that he was generally motionless; that he said nothing that he heard.

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He informed that when he came upon the location of the interception of Captain MAC DONALD at the intersection of Pelham and Capron Streets on the military reservation, a [] was driving MAC DONALD's vehicle, Captain MAC DONALD was in the right front seat and his two civilian attorneys were in the back seat. He said he believed there were four reporters in a car that had followed the MAC DONALD vehicle, one of whom was an officer of the military, believed in the Information Office.

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On 7/21/70 at Fort Bragg, N. C. File # CE 70-3765

by SA's L. DEAN PAARMANN and H. WARREN TOOL, JR. HWT: dh Date dictated 7/27/70

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2

In conclusion, [] said he saw no one touch either of MAC DONALD's civilian attorneys, that he did not see how EISMAN got to the ground.

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[] statement to his military superiors is as follows:

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"On 20 July 1970, from 0700 to approximately 1300 hours, I was assigned [] on special detail with CID []. Our mission was to assist CID in obtaining hair samples from CPT MacDonald. At approximately 0730 hours, []

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[] and myself went to Grant Hall, CPT MacDonald's present place of residence. Upon arrival we discovered that he had departed his rooms (#12 and #13) at approximately 0625 hours, 20 July 1970. After seeing CPT MacDonald was not in his room, we proceeded back to the CID office where we obtained another vehicle and passenger []. We then departed for the Smoke Bomb Hill area, for the building where the 32 board is being held. When we reached the building where the 32 board is being held, we discovered that MacDonald, his defense counsel and reporters were already present. [] went inside the building and returned in approximately 45 minutes and stated that we should go back to the office and he would meet us there. []

[] and myself went back to the office and and awaited further word from [] and []

[] At approximately 1000 hours, we were notified that CPT MacDonald's car, a '65 Chevrolet convertible, white with black top, had left the court building and was headed down Reilly Road.

[] had previously notified us that if the car was seen driving around, MacDonald was to be stopped and placed under protective custody.

CE 70-3765

3

[redacted] and myself got into a CID vehicle, green in color, and proceeded to the housing area, Normandy Heights, and Officers Club. When we were driving through the parking lot of the Officers Club, we heard a transmission over the radio to the effect that the vehicle in question was headed toward Knox Street on Randolph Street. We then proceeded in that same direction on Randolph Street. When we were in front of the officers quarters on Randolph Street we observed the vehicle in question heading towards us, in the opposite direction we were headed. We turned around at Hamilton Street and proceeded to follow the vehicle. While we were turning around I observed a maroon T-bird pull out of the parking lot in front of the officers quarters and pursue the vehicle in question. Before we could catch up to the other vehicles, approximately 2 or 3 vehicles were between us and the MacDonald car; the maroon vehicle was identified as [redacted] the other 2 vehicles, one a Chevrolet unknown year contained reporters and the other car, an OD green Ford, contained a couple of PM Investigators. We followed the cars on Randolph Street towards the main flag pole where they made a left turn onto Hunt Street, proceeded on Hunt Street to Pelham Street, made a right onto Pelham Street and as the cars approached the intersection of Pelham and Capron Streets, the car stopped and at that time I observed [redacted] exit his vehicle and approach the MacDonald car. At this time we pulled around the other cars and went up along side to MacDonald's car where we stopped. At that time [redacted] and [redacted] exited the car and headed for the MacDonald car. I started to get out of the vehicle but realized that the radio operator did not know where we were, as I was giving our location to him before we stopped the MacDonald car. As I started to get

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CE 70-3765

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"back into the car I heard [] tell []
[] to place CPT MacDonald under protective
custody. I then gave the radio operator our
location and again exited the vehicle, at which
time I looked over at the MacDonald car and saw
[] helping CPT MacDonald
out of the car. As we approached the MacDonald
car, [] was driving, CPT MacDonald was
in the front passenger seat, Mr Segal was in the
back left seat and Mr. Eisman was in the back right
seat. [] escorted MacDonald
over to the car, we were in and I opened the rear
right door so CPT MacDonald could get in. As
CPT MacDonald started to get into the vehicle,
he gave a rear kick which struck [] in the
right thigh. [] got in behind
MacDonald while I entered the rear left side of
the vehicle, placing MacDonald between []
and myself. []
got in the right front passenger seat while []
drove the vehicle. We then proceeded to
the PMO where we were told to take CPT MacDonald
and [] to Grant Hall and remain
there with him until the hair samples were taken.
The hair samples were taken at approximately
1239 hours, 20 July 1970."

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FEDERAL BUREAU OF INVESTIGATION

1

Date July 28, 1970

Specialist 4 [redacted] assigned [redacted] Fort Bragg, North Carolina, furnished the following information:

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[redacted] advised that at about 9:50 AM on July 20, 1970, he was on [redacted] with Specialist 5 [redacted] when they received a call to be on the lookout for a 1965 Chevrolet, white with a black top, and Fort Bragg officer's blue decal number 16764.

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[redacted] advised shortly after receiving this information, they received another radio transmission that the vehicle they were looking for had turned off Knox Street onto Randolph Street, heading toward the traffic circle. He stated that he then turned around on Riley Street and headed back on Riley Street to Pelham where he saw a white car parked beside the road with another vehicle parked at an angle on the left side of the white Chevrolet convertible.

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[redacted] advised that he parked about 7 or 8 feet from the Chevrolet. He stated just as he came to a stop, he observed a man in the grey suit and another man, both of them were standing in an upright position. He stated that it appeared that the man in the grey suit had both hands on the arms of the other man who had red hair.

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[redacted] advised that the man with the red hair twisted away from the car and the man in the grey suit left his arms extended as though he had pushed the man to the ground.

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[redacted] advised that as he approached the man lying on the ground, he noticed a man with long gray hair standing beside the vehicle and at the same time Captain MAC DONALD was being escorted around behind the Chevrolet convertible and placed into an Army sedan.

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He stated that [redacted] approached him and told him to assist the man on the ground. [redacted] advised that he bent down beside the man, brushed some dirt from his

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On 7/22/70 at Fort Bragg, N. C. File # CE 70-3765

by SA's [redacted] and [redacted]
by L. DEAN PAARMANN HCB:dh Date dictated 7/27/70

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CE 70-3765

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face, and his partner [] and he picked the man up and moved him to another position over by the patrol vehicle to get him out of the way.

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He stated that the man with the long gray hair then came over and sat down alongside the red-haired man. At this time the red-haired man complained that he had lost his glasses and the other man went to find them. He advised that he observed the long gray-haired man return, kneel down to the red-haired man with the lens in one hand and the rest of the frames in the other hand.

[] advised at no time was either the red-haired man or the long gray-haired man unconscious.

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[] advised that when the ambulance arrived, the red-haired man was placed on the stretcher and the long gray-haired man got into the back of the ambulance and went to Womack Army Hospital. He advised that he escorted the ambulance to the Hospital and after arriving at the Hospital, the long gray-haired man started complaining that he was hurt, too.

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[] advised that later a civilian ambulance was observed to arrive at Womack Army Hospital and that he and his partner escorted the ambulance off the post.

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[] advised that he later determined the red-haired man was DENNIS EISMAN and the long gray-haired man was BERNARD SEGAL.

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FEDERAL BUREAU OF INVESTIGATION

1

Date July 28, 1970

Specialist 5 [redacted] assigned [redacted] Fort Bragg, North Carolina, furnished the following information:

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[redacted] advised that at about 9:45 AM, July 20, 1970, he was on regular [redacted] with Specialist 4 [redacted] and they were proceeding on Riley Road toward Pope Air Force Base when he received a radio transmission from the Provost Marshal's Office Desk Sergeant to stop and apprehend a 1965 white Chevrolet with a black top with a Fort Bragg blue decal number 16164, believed to be in the vicinity of Knox and Randolph Streets, Fort Bragg, North Carolina.

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[redacted] advised that he continued on patrol and was advised by the Desk Sergeant that a white Chevrolet with a black top was believed to be in the vicinity of the traffic circle and was heading toward the housing area. He stated they proceeded toward the intersection and he then saw a white Chevrolet convertible with a black top which appeared to be stopped on one of the side streets. He stated he continued on Riley in the same direction and turned around at the next street and began heading toward the Chevrolet.

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He advised that upon approaching the intersection of Pelham and Capron Street, he slowed down and observed traffic and pulled to the left side of the road. He advised that as he was getting out, he observed three or four people on the right side of the Chevrolet convertible and as he was approaching, he observed what appeared to be a man being thrown to the grass on the right side of the Chevrolet. He started that a large man in a grey suit had both hands on the upper arms of a red-headed man who he now knows to be DENNIS KISMAN and knows the man in the grey suit to be [redacted]

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[redacted] advised it appeared that the man with the red hair was being moved away from the vehicle and was falling.

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On 7/22/70 at Fort Bragg, N. C. File # CE 70-3765

by SA's [redacted] and [redacted]
L. DEAN PAARMANN HCB: dh Date dictated 7/27/70

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When he struck the ground, his foot was behind his left leg. He stated at that time he saw a long gray-haired man being guided to the right front fender of the Chevrolet and was placed up against it. He stated that he now knows this man to be BERNARD L. SEGAL.

[] stated at this time he also observed a green Beret soldier getting out of the car and as he stood up, he recognized him as Captain MAC DONALD.

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[] advised that Captain MAC DONALD was then taken to a light green Chevrolet, placed in the car, and at this time he observed Captain MAC DONALD kick at the man in the grey suit and then the car drove off.

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[] stated that he turned around and saw the red-haired man, known as EISMAN, on the ground and heard the man with the long gray hair at the front fender of the Chevrolet say "Is this the way you treat Captains in the Army?" [] stated he heard no response to this question and then he heard [] say "Help that man," indicating the man on the ground. [] stated that Specialist 4 [] took hold of the right arm and shoulder and another man wearing civilian clothing took hold of the left arm and shoulder of the man lying on the ground and helped the man to his feet and walked him several steps where he became limp; and at this point, he [] took hold of his left shoulder from the man in civilian clothing and assisted in taking him approximately 10 feet in front of the vehicle that he was lying beside, where he was laid on the ground.

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[] advised at this time he checked the man to see if there were any visible injuries and stated there were none. [] stated that the man did not indicate that he was in any pain and did not say a word. He stated that he walked over to his patrol vehicle and called the Desk Sergeant and requested an ambulance.

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CE 70-3765

3

[] stated that he then walked back to the front of the Chevrolet and heard someone say something about taking pictures and heard []

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[] say to clear the area. [] stated that he then motioned to the other people to move out of the area and he turned and walked back to the man with red hair lying on the ground. [] stated that he then heard EISMAN ask where his glasses were and the man with the long gray hair got up, walked over to the area in which EISMAN had fallen, and looked around. The man with the long gray hair found and picked up EISMAN's glasses and returned them to EISMAN. [] stated that the long gray haired man had one lens in one hand and the frame and other lens in his other hand.

He stated about this time the ambulance arrived and EISMAN was placed on a stretcher and placed in the ambulance after which time he was taken to Womack Army Hospital. [] stated that he went to Womack Army Hospital and helped wheel EISMAN into the emergency room and assisted in lifting him from the stretcher onto a stretcher table.

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[] advised that the long gray haired man had not been placed on a stretcher; however, accompanied EISMAN in the ambulance and he walked into the Hospital with him. He stated that he then went over and asked the long gray haired man for his identity and was advised that this was BERNARD SEGAL. He advised about 15 minutes later, SEGAL got onto a stretcher table and started crying of severe pain in his chest. [] stated that in his observance of SEGAL, SEGAL only cried when someone would approach him and this occurred on about five or six different occasions.

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b7C

[] advised that EISMAN was transferred to a civilian ambulance and SEGAL accompanied him. He stated that he [] escorted the ambulance off Fort Bragg Military Reservation.

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FEDERAL BUREAU OF INVESTIGATION

1

Date July 28, 1970

Captain JEFFREY MAC DONALD, 6th Special Forces Group, Fort Bragg, North Carolina, volunteered the following information in the presence of [redacted]

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Captain MAC DONALD advised that on July 20, 1970, at about 10 AM. he, his attorneys DENNIS EISMAN, BERNARD SEGAL, and [redacted] left the hearing room, driving his 1965 Chevrolet convertible. He stated that prior to leaving the hearing room, they had received information that there were about 30 Military Policemen (MP) surrounding his BOQ (Bachelor Officers Quarters) room. Captain MAC DONALD advised that [redacted] with him (MAC DONALD) in the front passenger seat. DENNIS EISMAN was seated directly behind him, and BERNARD SEGAL was seated directly behind [redacted]

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Captain MAC DONALD advised they drove by his BOQ, at which time he noticed about 20 people, consisting of Military Police and persons dressed in civilian clothing, in front of his BOQ. He stated that they saw about 5 Military Police jeeps and several unmarked Army sedans at his BOQ. He stated that this was more than the usual amount as there is usually one Military Policeman in front of his BOQ. He stated that they drove by the BOQ and saw several people run toward the jeeps.

Captain MAC DONALD stated that he saw [redacted] running toward a Military Police jeep and at this time either SEGAL or EISMAN said "Let's go back to the office." He advised that [redacted] then turned around at the taxi stand on Randolph Street and went halfway around the traffic circle to the flagpole. He then advised that newsmen were following behind them in another automobile.

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He stated when they got to the flagpole, he began hearing beeps from a horn from a purple Ford Thunderbird which pulled up alongside his Chevrolet. Captain MAC DONALD advised that he recognized the driver of this car as [redacted]

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b7C

On 7/23/70 at Fort Bragg, N. C. File # CE 70-3765

by SA's [redacted] and [redacted]
by L. DEAN PAARMANN HCB: dh Date dictated 7/27/70

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CE 70-3765

2

Captain MAC DONALD advised that when [] was alongside his car, he pointed to the side of the road.

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He advised that [] pulled over and [] pulled in behind them. At this time Captain MAC DONALD observed a jeep coming from one direction and another jeep with its red light flashing coming from another.

Captain MAC DONALD advised that his attorneys said "Don't do anything silly," and at that time [] then advised Captain MAC DONALD "You're under arrest. No, you're under protective custody." Captain MAC DONALD said EISMAN told him "Just sit still" and then EISMAN got out of the back seat from behind him and left the door open and was standing in front of him outside of the car. EISMAN asked [] "What do you mean we are under arrest? Where is your authorization? Where is your warrant?"

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Captain MAC DONALD advised that by this time there were three or four more jeeps around and he heard on the radio belonging to one of the jeeps "Locate and apprehend the occupants of a white convertible."

He said he then observed [] motion to an individual whom he believed to be a Criminal Investigation Division Agent who was a white male, about 6 feet 2 inches tall, weighing 230-240 pounds, wearing a grey business suit with a dark tie and white shirt, had receding hair, and was about 30 years of age.

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Captain MAC DONALD advised that [] in a shrill voice was directing other cars and jeeps at this time after directing the CID Agent to take Captain MAC DONALD into custody. He stated at about the same time, [] got out of the car and he noticed [] was at the rear of his automobile. He stated he then observed the CID Agent grab EISMAN and throw him to the ground. He stated that this CID Agent wearing the grey suit then grabbed him by his hand when he (Captain MAC DONALD) said "Don't use force, I'll come with you." He stated that he was then taken from his car.

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CE 70-3765

3

to an unmarked Army sedan where the door was opened for him and he was pushed into the back seat. When one of the CID Agents in the car got out his handcuffs to put on MAC DONALD, MAC DONALD advised that he was not going to resist and they would not have to use the handcuffs, so they did not put any cuffs on him.

At that time [redacted] approached the car and advised that he was Captain MAC DONALD's [redacted] and got into the front seat of the car. Captain MAC DONALD advised that a Provost Marshal Investigator and the CID Agent wearing the grey suit were now in the car and they drove to the CID Office.

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Captain MAC DONALD advised that he does not recall the whereabouts of Mr. SEGAL during the above incident; however, he believes that SEGAL was seated behind him.

Captain MAC DONALD advised that when he was taken out of the car, Mr. EISMAN was still on the ground and his feet were about 4 to 6 feet from the door.

He advised that when he saw the CID Agent in the grey suit grab Mr. EISMAN, he saw EISMAN's feet leave the ground as he was thrown to the ground.

Captain MAC DONALD advised that as he was leaving the scene of his arrest, he observed some people leaning over Mr. EISMAN and Mr. EISMAN attempting to push himself up off the ground at which time Mr. EISMAN did not have his glasses on.

FEDERAL BUREAU OF INVESTIGATION

1

Date July 28, 1970

[redacted] Social Security Account
Number [redacted]
Fort Bragg, North Carolina, home address [redacted]
[redacted] furnished the following
information:

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[redacted] advised that on Monday, July 20, 1970, he was on duty [redacted] Captain JEFFREY MAC DONALD. He advised at about 10 AM, he left the hearing room with Captain MAC DONALD, BERNARD L. SEGAL, and DENNIS EISMAN.

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b7C

He advised that [redacted] Captain MAC DONALD's 1965 Chevrolet convertible with Captain MAC DONALD seated in the right front passenger seat, EISMAN seated in the right rear passenger seat, and SEGAL seated in the left rear passenger seat. He stated that they were followed by a brown car in which [redacted] with the Public Information Office and three or four other reporters were riding.

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He advised that one of the attorneys said "Let's go get breakfast," and the other attorney said "Let's go by MAC DONALD's BOQ." He stated that they then drove by Captain MAC DONALD's BOQ at which time they saw a crowd of Military Policemen standing in front of Captain MAC DONALD's BOQ. One of the attorneys said "Keep going." He stated that he then pulled into the taxi stand on Randolph Street and the reporters' car pulled up alongside at which time the attorneys asked the reporters if they saw all the MP's at Captain MAC DONALD's BOQ.

[redacted] advised that the attorneys then said "Let's go back to Building HT 3005" which was the hearing room. He advised that he then drove around the traffic circle near Captain MAC DONALD's BOQ and down the street. At this point a maroon Firebird started sounding its horn and he pulled off to the side of the road. He stated that the driver of the car pulled up beside him and then parked his car behind.

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b7C

On 7/22/70 at Fort Bragg, N. C. File # CE 70-3765

SA's [redacted] and
by L. DEAN PAARMANN HCB: dh Date dictated 7/27/70

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CE 70-3765

2

[] stated that he observed [] a Military Police officer, get out of the car and [] glance in, and then walk around to the passenger side and open Captain MAC DONALD's door. [] then said "You are under arrest and I am placing you under protective custody. Come with me." [] advised that EISMAN then got out of the passenger door and addressed [] asking him under what authority and where was the warrant for arrest for Captain MAC DONALD.

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b7C

[] said that he was not talking to EISMAN and said "MAC DONALD, come with me." [] stated that EISMAN continued to ask "What authority are you taking him." and "You have no right, I'm his attorney." [] then advised that several Military Police cars had begun to arrive on the scene.

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b7C

[] advised that EISMAN was between [] Captain MAC DONALD and SEGAL had scooted over into the right rear passenger seat after which time SEGAL advised [] "You can't do this. I represent this man."

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b7C

[] stated that he then got out of the car and when he was looking over the roof of the car, [] directed a Criminal Investigation Division (CID) Agent to remove MAC DONALD from the car and place him in protective custody. He advised that EISMAN was still in the way and he [] was now standing behind Captain MAC DONALD's car when he observed this CID Agent grab EISMAN by the chest and throw him to the ground about 4 feet from the car door.

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b7C

He advised that SEGAL then got out of the car and was brushed against the side of the car by this same CID Agent.

[] advised that EISMAN did not have on his glasses when he was lying on the ground and he then observed the CID Agent take Captain MAC DONALD from the car and put him into an Army sedan. He said at this time he ran over to this car and advised them that he was Captain MAC DONALD's [] and they told him to get in the front seat of the car and he went to the CID Office with them.

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CE 70-3765

3

[] advised that at about 1:00 on Sunday morning, he received a call from one of the military legal defense counselors of Captain MAC DONALD, advising him to have Captain MAC DONALD at the hearing room at 6:30 AM on Monday, July 20, 1970. He stated he thought this was unusual, however, was advised that BERNARD SEGAL had been in London and that they desired to catch up on the previous testimony and wanted an early conference.

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b7C

[] advised that his Adjutant had requested that he be in his office at 7 AM on Monday, July 20, 1970; and upon taking Captain MAC DONALD to the hearing room, he went to see the 6th Special Forces Adjutant and was advised that he was not to pick Captain MAC DONALD up until 7:30 that morning as CID was to take hair samples.

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[] advised the Adjutant that he had already taken Captain MAC DONALD to the hearing room in Building HT 3005.

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CE 70-3765

INTERVIEWS WITH NEWSPAPERMEN ON THE SCENE

FEDERAL BUREAU OF INVESTIGATION

1Date July 29, 1970

[redacted] advised he was the [redacted]
[redacted] "Payetteville Observer" newspaper, and that he
lived at [redacted]

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He said that on the morning of Monday, July 20, 1970, just prior to 10:00 AM, he was in his own car with other newspaper men and a representative from the Information Office of Fort Bragg; that he was following the convertible of Captain JEFFREY R. MAC DONALD. The latter's escort officer with MAC DONALD and his two attorneys along left the hearing room being used on Fort Bragg and the press car followed MAC DONALD's car.

At the point where Captain MAC DONALD was intercepted by military police, he said Attorney EISMAN in the back seat got out first from the right rear door of MAC DONALD's vehicle. He said EISMAN was then standing between MAC DONALD and the [redacted]
[redacted] later determined to be [redacted]

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At this point [redacted] motioned to a big built plainclothesman whom he understood to be a CID Agent. EISMAN said he was MAC DONALD's attorney and asked [redacted] if he had a warrant or other authority. Without further explanation, the plainclothesman grabbed EISMAN and threw him to the ground. He said EISMAN fell at his feet. [redacted] said he could not recall where the CID Agent placed his hands on EISMAN. Neither did he hear the CID Agent ask EISMAN to move out of the way. [redacted] said he saw EISMAN fall to the ground and that he did not protect himself with his hands or arms at the time of fall; that he hit hard and then remained motionless and silent.

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As to SEGAL, [redacted] said that someone bumped into him slightly but he did not know who it was; that he did not fall to the ground from the bumping.

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b7C

On 7/22/70 at Fort Bragg, N. C. File # CE 70-3765

by SA's [redacted] and
[redacted] H. WARREN TOOL, JR. HWT: dh Date dictated 7/28/70

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FEDERAL BUREAU OF INVESTIGATION

1

Date July 29, 1970

[] advised he was the [] for the "Raleigh News and Observer" newspaper at Fayetteville, North Carolina, and resided at []

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[] said that he had been covering the hearing on Fort Bragg with respect to the Army's charges against Captain JEFFREY MAC DONALD for murder of the other members of his family.

[] said that at approximately 6:45 AM, Monday, July 20, 1970, MAC DONALD's attorney DENNIS EISMAN telephoned him and told him to be sure and be on the base at Fort Bragg by 8:00 AM and for him to bring along his camera. He said EISMAN told him he believed military CID Agents planned to take hair samples from Captain MAC DONALD that morning and that some type of confrontation would very likely occur. He said he believed MAC DONALD's attorneys planned some kind of confrontation or EISMAN would not have telephoned him as he did, to be on the base early and to be in possession of his camera.

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He said that shortly before 10:00 AM that morning, MAC DONALD, being driven by his escort officer and with attorneys EISMAN and SEGAL in the rear seat, left the area of the hearing on Fort Bragg, supposedly to go for refreshments. However, the escort officer driving MAC DONALD's car, passed the exchange and proceeded to the housing area where MAC DONALD was understood to live. [] said he, together with [] a base information officer, and [] in the latter's car, followed the MAC DONALD vehicle. [] were identified as newspaper men.

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After it was noticed that military police were situated at MAC DONALD's residence, the MAC DONALD car and the car with the newspaper men stopped side by side at which time SEGAL inquired as to whether those in the press car had seen the military police and did they have their cameras ready. [] said he had his camera but no film. At this juncture, MAC DONALD's camera was handed out of his car to the press car and then the two vehicles continued in

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On 7/22/70 at Fort Bragg, N. C. File # CE 70-3765

by SA's [] and []
H. WARREN TOOL, JR. HWT: dh Date dictated 7/28/70

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one-two order to the place near the parade field. MAC DONALD's car was stopped by a military police officer driving a burgundy-colored Thunderbird. He said this officer was [redacted] who had come from behind, passing the press car, to get up with MAC DONALD's vehicle. b6 b7C

After [redacted] had stopped MAC DONALD's vehicle, he went around to the side of the car where MAC DONALD was sitting. In the meantime, EISMAN had crawled out of MAC DONALD's car and stepped between the Captain and MAC DONALD and asked [redacted] on what authority he had to place him in custody. At that moment he said two CID Agents and some military policemen came up. He said then that a big civilian-clothed person, later determined to be a CID Agent, slightly pushed aside attorney SEGAL and then grabbed hold of attorney EISMAN by the shoulders from the front and threw him to the ground to his left. EISMAN landed face down, his glasses broken, his lip slightly cut inside and forehead bruised. b6 b7C

[redacted] said it was the same CID Agent who shoved SEGAL out of the way who grabbed hold of EISMAN. This same CID Agent is the one, he said, who then took hold of Captain MAC DONALD and pulled him from the right front seat of the MAC DONALD vehicle. He said SEGAL was not belligerently pushed aside and that SEGAL's part at the scene, and later at the hospital, in his opinion, was all a hoax or sham. b6 b7C

[redacted] EISMAN and saw the entire play. b6 b7C

FEDERAL BUREAU OF INVESTIGATION

1

Date July 29, 1970

[redacted] advised his Social Security Account Number is [redacted] that his home of record is [redacted] where he will be in a few weeks after being discharged from the United States Army.

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[redacted] advised he is presently the [redacted] covering the Army's hearings in connection with a possible court-martial of Captain JEFFREY MAC DONALD in connection with the murders of his family.

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He said that just prior to 10:00 AM, Monday, July 20, 1970, he and members of the covering press were at the hearing locale of Captain MAC DONALD when his attorney BERNARD SEGAL asked him and the others to go along to the Post Exchange for coffee. He said he noted they passed by the Post Exchange area and drove to the area near MAC DONALD's quarters.

MAC DONALD's vehicle passed by the quarters and stopped near a taxi stand and the press car, driven by [redacted] pulled alongside. Either SEGAL or EISMAN inquired of them in the press car if they had seen the military police at MAC DONALD's quarters, to which they replied affirmatively. Then, either SEGAL or EISMAN asked [redacted] one of the newspaper men, if he had his camera and film ready. At that point Captain MAC DONALD offered his camera to them in the press car because [redacted] said he had no film in his camera. After the transfer of MAC DONALD's camera to the press car, both cars turned around and proceeded toward the flag pole, the parade grounds, and the location where Captain MAC DONALD was intercepted by military police, at Pelham and Capron Streets on the Fort Bragg Military Reservation.

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After MAC DONALD's vehicle was stopped, MAC DONALD was approached by a [redacted] who was giving instructions to MAC DONALD. He said EISMAN, MAC DONALD's attorney, then placed himself directly inbetween [redacted] and Captain MAC DONALD. [redacted] At that

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On 7/22/70 at Fort Bragg, N. C. File # CE 70-3765

SA's [redacted] and [redacted]
by H. WARREN TOOL, JR. HWT: dh Date dictated 7/28/70

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CE 70-3765

2

time a big built man in a grey suit, later identified as a CID Agent, put his arms around EISMAN in a bear-hug fashion. At that precise moment, [] said he turned his head toward [] and when he glanced back around, EISMAN was on the ground. He said he did not see just how EISMAN got to the ground from the bear-hug the CID Agent had on him.

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[] said he saw no one touch SEGAL and that it was rather apparent to him that the newsmen were being used by EISMAN and SEGAL in this circumstance. Otherwise, they would not have been so intent to see they were present and had their camera equipment.

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FEDERAL BUREAU OF INVESTIGATION

1

Date July 29, 1970

[redacted] advised he was a reporter for the Associated Press, with offices at 721 South Tryon Street, Charlotte, North Carolina. He said that for several days he has been covering the hearing of the military charges pertaining to Captain JEFFREY MAC DONALD on Fort Bragg.

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[redacted] said that either attorney EISMAN or SEGAL who represent Captain MAC DONALD, telephoned the residence of his parents at [redacted] North Carolina, early in the morning of July 20th in an effort to contact him. He said he is from [redacted] and that he had been staying with his parents while in town. Learning of the message, he telephoned EISMAN back and was told that it was expected the military would attempt to take hair samples from Captain MAC DONALD that day and that he should be on the base early and to bring along his camera. With this information, he said he telephoned [redacted] of the "Fayetteville Observer" newspaper and arranged for photographic equipment which was brought to him at Fort Bragg.

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Then, said [redacted] he was present with other newspaper men in [redacted] vehicle and present when military police intercepted Captain MAC DONALD on the base, adjacent to the parade grounds. He said after MAC DONALD's car was stopped, he learned a Captain of [redacted] named [redacted] actually made the interception using his personal car.

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[redacted] he said, charged around MAC DONALD's vehicle to where the Captain was sitting beside his escort officer. At that time, [redacted] said, he got out of the press car and walked up to near where they were standing. Then EISMAN, from the back seat of MAC DONALD's car, crawled from his seat in the left rear of the car over SEGAL and got out of the car. Then EISMAN asked [redacted] if he had a warrant for MAC DONALD or on what authority he was intercepting him.

At about this moment, a plainclothesman came up just as EISMAN was getting out of the car, grabbed his shoulders and "slung him" to the ground. He said EISMAN's

On 7/22/70 at Fort Bragg, N. C. File # CE 70-3765

SA's [redacted] and [redacted]
by H. WARREN TOOK, JR. HWT: dh Date dictated 7/28/70

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CE 70-3765

2

face hit the ground and his glasses fell off. Captain MAC DONALD was still in the car at this time. SEGAL was out of the car by then and was bumped by someone up against the car but did not fall down.

[redacted] using MAC DONALD's camera, took a couple of photos and then handed the camera to [redacted] who also took some pictures. He then picked up the other camera but found it had no film.

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With respect to the film taken, [redacted] said that it was agreed between himself, [redacted] that he should take the film and have the Associated Press develop it. EISMAN told him, he said, to take the film and get what they could use from it and then to give it back to him.

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[redacted] subsequently advised some of the film appeared to be satisfactory and that it appeared to him one could see in one of the frames, two military personnel holding onto each side of EISMAN. [redacted] at first offered the film for reproduction but subsequently said that EISMAN had wanted the film sent to him and that it could not, therefore, be made available to the FBI.

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CE 70-3765

AT CHARLOTTE, NORTH CAROLINA

On July 27, 1970, [redacted] identified as a reporter for the Associated Press, telephonically advised Special Agent H. WARREN TOOL, JR. that contrary to his earlier belief that photographs were not good which were taken at Capron and Pelham Streets on Fort Bragg, North Carolina, at the time Attorneys EISMAN and SEGAL were allegedly assaulted, some had turned out satisfactorily. And he agreed to make them available for reproduction.

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A short time later he telephoned to advise that [redacted] the Associated Press [redacted] at Charlotte, had telephoned Attorney DENNIS EISMAN who instructed that copies not be made and furnished the FBI.

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These sentiments were furnished on July 28, 1970, to Assistant United States Attorney [redacted] Eastern District of North Carolina, who is somewhat concerned over the situation, commented that even though it had been established the camera and film used was furnished by MAC DONALD, newspapermen had custody of it and to deny making it available could be a violation of Section 1503, Title 18, United States Code. as to the newspapermen themselves, namely [redacted]

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Subsequently on July 28, 1970, [redacted] advised that he had been in contact with Associated Press [redacted] who agreed to write [redacted] a letter stating he was not turning over the film to the FBI because EISMAN had told him he wanted to do so after he had had an opportunity to see it. This was agreeable to [redacted] he said. [redacted] did not state whether EISMAN intended to furnish it at Fort Bragg, North Carolina, or at Philadelphia, Pennsylvania, where he lives and is spending the week of July 27th.

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CE 70-3765

HOSPITAL RECORDS REVIEW

FEDERAL BUREAU OF INVESTIGATION

1

Date July 28, 1970

[redacted]
Womack Army Hospital, Fort Bragg, North Carolina, furnished the following information:

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[redacted] advised that on July 20, 1970, at about 11 AM, he received a telephone call from [redacted] Fort Bragg, North Carolina, advising that BERNARD L. SEGAL and DENNIS H. EISMAN were in his emergency room at Womack Army Hospital and requested that [redacted] check their condition and give him a return call.

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[redacted] advised that he went to the emergency room and found BERNARD L. SEGAL and DENNIS H. EISMAN, both civilians, on litters. He stated that one of the persons identified himself as EISMAN, an attorney for Captain JEFFREY MAC DONALD. [redacted] advised that EISMAN was wearing a tan suit with dirt on the knee and thigh. He stated that EISMAN complained of pain in his neck. He stated that he checked EISMAN's pulse and EISMAN advised [redacted] that he (EISMAN) desired to see an orthopedist.

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[redacted] advised that he noticed that BERNARD L. SEGAL was breathing rapidly and was crying; however, he made no complaint of pain.

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b7C

[redacted] advised that a lady who identified herself as [redacted] appeared in the emergency room and stated that she was present to make sure that EISMAN and SEGAL received appropriate hospital care.

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b7C

[redacted] advised that upon examining EISMAN, he saw no blood on EISMAN's face or his clothing; however, EISMAN continued complaining of a neck problem. [redacted] advised that EISMAN told him that the Army had done this to him and they should treat him.

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[redacted] advised that when EISMAN indicated a desire to be examined by an orthopedist, [redacted] told

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On 7/23/70 at Fort Bragg, N. C. File # CE 70-3765

SA's [redacted] and [redacted]
by L. DEAN PAARMANN HCB:dh Date dictated 7/27/70

b6
b7C

CE 70-3765

2

Mr. EISMAN that the Army provided only emergency treatment if needed, but if he desired, he would transfer EISMAN to Cape Fear Valley Hospital in Fayetteville, North Carolina, for further examination.

[redacted] stated that he then explained the Army's policy in giving emergency treatment to civilians and after the necessary emergency treatment has been furnished by Womack Army Hospital, the civilians, when able, are transferred to a civilian hospital.

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b7C

[redacted] advised that in his opinion after conferring with [redacted] EISMAN and SEGAL required no further medical attention and were requested to leave Womack Army Hospital. Mr. EISMAN then requested a civilian ambulance be called and that he and Mr. SEGAL be transferred to Cape Fear Valley Hospital in Fayetteville, North Carolina.

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b7C

FEDERAL BUREAU OF INVESTIGATION

1

Date July 28, 1970

[redacted] Womack
Army Hospital, Fort Bragg, North Carolina, furnished the
following outpatient records for BERNARD L. SEGAL and
DENNIS H. KISMAN:

b6
b7C

On 7/22/70 at Fort Bragg, N. C. File # CE 70-3765
by SA's [redacted] and HCB: dh Date dictated 7/27/70
L. DEAN PAARMANN

b6
b7C

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OUTPATIENT MEDICAL RECORD

For use of this form, see AR 40-425; the proponent agency is Office of The Surgeon General.

Line 1 - Patient's name (last, first, middle initial). Relationship to sponsor (Wife, Son, Daughter, Mother or Mother-in-law, Father or Father-in-law, or other relationship) if patient is dependent. Blank if otherwise.

Line 2 - Year of birth. Sex. Status of patient or status of sponsor if patient is dependent (AD, RET, YDRI, CIV, VA, PW, etc). Department of patient or of sponsor if patient is dependent (USA, USAF, PHS, STATE, RCA).

Line 3 - Grade or rank of patient if military or of sponsor if patient is dependent of military personnel. Blank if otherwise. Sponsor's name if patient is dependent. Blank if otherwise.

Line 4 - Service number of patient if military or of sponsor if patient is dependent of military personnel. Blank if otherwise. Date authorization for medical treatment expires.

Line 5 - For any local use desired at individual medical treatment facility.

PATIENT'S IDENTIFICATION (Use this space for mechanical imprint with Outpatient's Recording Card)

PATIENT'S NAME (last, first, middle initial)

RELATIONSHIP

1 EISMAN Dennis

2 YEAR OF BIRTH

SEX

STATUS

DEPARTMENT

40

M

CIV

EMERGENCY

3 GRADE OR RANK

SPONSOR'S NAME

4 SERVICE NUMBER

DATE AUTHORIZATION EXPIRES

5 FOR LOCAL USE

SYMPTOMS, DIAGNOSIS, TREATMENT, ETC. (Sign each entry)

EMERGENCY ROOM
WOMACK ARMY HOSPITAL

TIME IN 1030

DATE 20 Jul 70 Darwin Camp 7 pro now to be

awaiting admission. Darwin Camp 65mg @

no evident serious injury. 1040 L Holland Lt

Comp. back pain pt evaluated and I believe that

he may be referred to civilian

facility now via ambulance to

W.C. Cape Fear Hospital

b6
b7C

OUTPATIENT MEDICAL RECORD

For use of this form, see AR 40-425; the proponent agency is Office of The Surgeon General.

Line 1 - Patient's name (last, first, middle initial). Relationship to sponsor (W-wife, S-son, D-daughter, M-mother or mother-in-law, F-father or father-in-law, O-other relationship) if patient is dependent. Blank if otherwise.

Line 2 - Year of birth. Sex. Status of patient or status of sponsor if patient is dependent (AD, RET, TDRL, CIV, VA, PW, etc). Department of patient or of sponsor if patient is dependent (USA, USAF, THS, STATE, RCA).

Line 3 - Grade or rank of patient if military or of sponsor if patient is dependent of military personnel. Blank if otherwise. Sponsor's name if patient is dependent. Blank if otherwise.

Line 4 - Service number of patient if military or of sponsor if patient is dependent of military personnel. Blank if otherwise. Date authorization for medical treatment expires.

Line 5 - For any local use desired at individual medical treatment facility.

PATIENT'S IDENTIFICATION (Use this space for mechanical imprint with Outpatient's Recording Card)

PATIENT'S NAME (last, first, middle initial)

RELATIONSHIP

Segal, Bernard L.

YEAR OF BIRTH

SEX

STATUS

DEPARTMENT

26 Jul 30

M

CIV

Emerg.

GRADE OR RANK

SPONSOR'S NAME

SERVICE NUMBER

DATE AUTHORIZATION EXPIRES

196-24-1599

FOR LOCAL USE

DATE

SYMPTOMS, DIAGNOSIS, TREATMENT, ETC. (Sign each entry)

EMERGENCY ROOM
WOMACK ARMY HOSPITAL

TIME IN 1030
DATE 20 July 70

ambulatory.

pt. presented in E.C. stating The had been thrown up against car. appears to be very anxious. No apparent serious injury. Pt referred via ambulance to Cape Fear Hosp. for further evaluation

APP.

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

1Date July 28, 1970

[redacted] Medical Doctor, General Surgery Section, Womack Army Hospital, Fort Bragg, North Carolina, furnished the following information:

b6
b7C

[redacted] advised that on July 20, 1970, at 10:30 AM, he examined DENNIS EISMAN at the emergency room of Womack Army Hospital. He stated that EISMAN complained of a back injury and neck injury and wanted to see an orthopedic surgeon. [redacted] further advised that EISMAN pointed out a very small abrasion on his inner lower lip and when Captain LUTHER examined it, he found no evidence of blood.

b6
b7C

[redacted] advised that he gave EISMAN a Darvon (phonetic) capsule.

b6
b7C

He advised while examining EISMAN, a corpsman approached him and advised him that BERNARD L. SEGAL who was seated had become anxious and began crying and was hysterical. [redacted] advised that upon examining SEGAL, he could find no injuries and SEGAL complained of no injuries and no pain.

b6
b7C

[redacted] advised that Mr. EISMAN requested further medical attention and was advised that he could go to the civilian hospital, Cape Fear Valley Hospital in Fayetteville, North Carolina, as he was in need of no emergency treatment which is all that is provided civilians at Womack Army Hospital at Fort Bragg. EISMAN requested that an ambulance be called and he be transported to Cape Fear Valley Hospital, Fayetteville, North Carolina.

b6
b7C

[redacted] advised that a civilian ambulance was called from the Fayetteville Ambulance Service and EISMAN and SEGAL were transferred to Cape Fear Valley Hospital, Fayetteville, North Carolina.

b6
b7C

On 7/22/70 at Fort Bragg, N. C. File # CE 70-3765

by SA's [redacted] and L. DEAN PAARMANN HCB: dh Date dictated 7/27/70

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

1Date July 28, 1970

[redacted] Cape Fear Valley Hospital, Fayetteville, North Carolina, advised that she is the [redacted] of the Hospital.

b6
b7C

[redacted] advised that DENNIS KISMAN and BERNARD L. SEGAL were outpatients at the emergency room of Cape Fear Valley Hospital on July 20, 1970, and were examined by [redacted] and released. She advised that KISMAN and SEGAL were not admitted to the Hospital.

b6
b7C

[redacted] advised in the event any of the Hospital records are needed for a court action, a subpoena duces tecum should be directed to [redacted] [redacted] Cape Fear Valley Hospital, Fayetteville, North Carolina.

b6
b7C

On 7/23/70 at Fayetteville, N. C. File # CE 70-3765
by SA's [redacted] and L. DEAN PAARMANN HCB: dh Date dictated 7/27/70

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

1Date July 29, 1970

[redacted] advised that he examined DENNIS EISMAN and BERNARD L. SEGAL as outpatients at the emergency room of the Cape Fear Valley Hospital in Fayetteville on July 20, 1970. He stated that under the circumstances, it would be necessary for him to have a release from EISMAN and SEGAL in order to furnish the results of this examination in the absence of an official subpoena.

b6
b7C

57A

On 7/29/70 at Fayetteville, N. C. File # CE 70-3765by SA [redacted] dh Date dictated 7/29/70b6
b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

CE 70-3765

NEIGHBORHOOD INQUIRIES

CE 70-3765

HWT:dh

1

The following individuals who live or were present near the intersection of Pelham and Capron Streets on Fort Bragg, North Carolina, were contacted on July 23, 1970, for what information they might have or what they observed or heard at approximately 10 AM, Monday, July 20, 1970:

[redacted] advised she was at home but heard or saw nothing of an incident at the intersection nearby.

b6
b7C

[redacted] advised she was at home but that she heard nothing and saw nothing of any type of incident at the intersection of Pelham and Capron during the pertinent interval.

b6
b7C

[redacted] advised she was at home but that she heard nothing and that she saw no incident outside at the intersection.

b6
b7C

[redacted] advised he observed some military vehicles and other cars at the intersection but that he saw no altercation of any kind. He said he saw some ambulances.

b6
b7C

[redacted] advised he [redacted] and saw some military vehicles and some people standing around at the intersection.

b6
b7C

[redacted] He said he observed a reddish haired man lying on the ground and noted he was put into an ambulance and taken away. He said he did not see how this man got to the ground. He said he saw no blows struck, fighting, or other contact. He said he saw a long-haired man bending over the reddish haired man. He believed he could identify at least one of these men if he saw them subsequently.

NR005 CE PLAIN

6:40 PM

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUL 30 1970

URGENT 7-30-70

TELETYPE

TO: DIRECTOR

FROM: CHARLOTTE (70-3765) 4P

Mr. Tison
Mr. Sullivan
Mr. Mohr
Mr. B. J. [unclear]
Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

b6
b7C

CHANGED..

[redacted]; DENNIS HUBERT

Crime on Government Reservation

EISMAN - VICTIM; BERNARD L. SEGAL - VICTIM. CGR-ASSAULT.

b6
b7C

TITLE MARKED CHANGED TO ADD [redacted] AS SUBJECT AND
BERNARD L. SEGAL AS VICTIM. ALSO TO PROVIDE FULL NAME OF SUBJECT

[redacted] AND VICTIM EISMAN. TITLE PREVIOUSLY CARRIED [redacted]

[redacted] DENNIS EISMAN - VICTIM.

ATTORNEYS EISMAN AND SEGAL HAD REQUESTED NEWSMEN BE PRESENT

AT FORT BRAGG EARLY ON JULY TWENTY LAST WITH PHOTOGRAPHIC

EQUIPMENT. THIS WAS THE ANTICIPATED DATE FOR MILITARY

AUTHORITIES TO OBTAIN SAMPLES OF HAIR OF CAPTAIN JEFFREY

MAC DONALD. AFTER GROUP MET IT WAS DISCOVERED NEWSMEN HAD NO

FILM IN THEIR CAMERA, WHEREUPON THE LOADED CAMERA OF CAPTAIN

MAC DONALD WAS HANDED TO REPORTERS IN PRESS CAR. REPORTERS TOOK

SOME STILL PICTURES OF QUESTIONABLE VALUE OF CONFRONTATION.

Associated Press

FILM WAS TURNED OVER TO AP REPORTER [redacted]

WHO HAD IT DEVELOPED. ON JULY TWENTYEIGHT LAST, [redacted]

ADVISED FILM WOULD BE MADE AVAILABE TO FBI.

END PAGE ONE

MR. SULLIVAN FOR THE DIRECTOR

66 AUG 10 1970

FBI

EX-110

REC 8

70-52631-5

AUG 4 1970

b6
b7C

7 31 10 11 AM '70

66
7 31 10 11 AM '70

CE 70-3765

PAGE TWO

SUBSEQUENTLY [] AND []

b6
b7C

AP [], CHARLOTTE, N.C., RETRACTED OFFER TO MAKE FILM

AVAILABLE BECAUSE OF OBJECTION VOICED BY VICTIM

ESIMAN, WHOM AP TELEPHONICALLY CONTACTED IN PHILADELPHIA.

United States Attorney

Assistant United States Attorney

IN ABSENCE OF USA WARREN H. COLLIDGE, RALEIGH, NC, ~~AUSA~~

[] WAS APPRISED OF THIS DEVELOPMENT. HE STATED

THAT EVEN THOUGH PHOTOS WERE MADE WITH CAMERA AND FILM GIVEN
TO NEWSMEN BY MAC DONALD, THE NEWSMEN HAD CUSTODY OF FILM AND

b6
b7C

TO DENY MAKING IT AVAILABLE COULD POSSIBLY BE A VIOLATION OF
OBSTRUCTION OF JUSTICE Code
SECTION ONE FIVE ZERO THREE, TITLE EIGHTEEN, USC. HE STATED HE
WOULD CONTACT AP REPRESENTATIVES DIRECTLY IN THIS REGARD.

ON EVENING OF JULY TWENTYEIGHT LAST, AUSA [] ADVISED

HE HAD BEEN IN TELEPHONIC CONTACT WITH AP []

b6
b7C

WHO HAD ^RAGED TO WRITE THE USA'S OFFICE A LETTER STATING HE

WAS NOT TURNING OVER THE FILM TO FBI BECAUSE VICTIM EISMAN

WANTED TO TURN OVER THE FILM TO *FIE* AFTER HE HAD HAD OPPORTUNITY

TO SEE IT. [] STATED HE HAD AGREED TO THIS ARRANGEMENT.

END PAGE TWO

CE 70-3765

PAGE THREE

ON MORNING OF JULY TWENTYNINE SEVENTY, THIS SITUATION WAS
Eastern District of North Carolina
CALLED TO ATTENTION OF USA COLLIDGE, EDNC, UPON HIS RETURN.
HE STATED HE WOULD HAVE A SUBPOENA PROMPTLY ISSUED TO OBTAIN
THIS FILM IF NECESSARY BUT REQUESTED THAT FIRST THE FBI IN
PHILADELPHIA CONTACT EISMAN AND ASK HIM TO MAKE PHOTOS
AVAILABLE. COOLIDGE SAID HE HAD AT HAND A COPY OF AP'S LETTER
TRANSMITTING THE FILM TO EISMAN IN PHILADELPHIA.

ON JULY TWENTYNINE, PHILADELPHIA DIVISION WAS TELEPHONICALLY
APPRISED OF FOREGOING AND REQUESTED TO CONTACT EISMAN IMMEDIATELY
CONCERNING THE FILM. PHILADELPHIA DIVISION TELEPHONICALLY REPLIED
SAME DATE THAT EISMAN STATED HE WOULD BE GLAD TO FURNISH FILM
TO FBI BUT HAD NOT RECEIVED IT AT THAT TIME.

ON THIRTIETH INSTANT, PHILADELPHIA DIVISION ADVISED FURTHER
CONTACT HAD BEEN MADE WITH EISMAN WHO STATED THE FILM HAD BEEN
RECEIVED AND WAS IN THE HANDS OF A DEVELOPER. HE STATED HE
WOULD BE GLAD TO TURN OVER THE NEGATIVE PLUS PRINTS AS SOON
AS SAME RECEIVED FROM DEVELOPER, WHICH WOULD LIKELY BE JULY
THIRTYONE NEXT. PHILADELPHIA ALSO ADVISED EISMAN AND SEGAL HAD
END PAGE THREE

CE 70-3765

PAGE FOUR

AGREED TO FURNISH RELEASES TODAY DIRECTED TO CAPE FEAR VALLEY HOSPITAL, FAYETTEVILLE, N.C., AND TO EXAMINING PHYSICIAN AT THAT FACILITY WHO EXAMINED THEM IN THE EMERGENCY ROOM ON JULY TWENTY LAST IN ORDER THAT THIS PHYSICIAN COULD REPORT HIS FINDINGS AND THE HOSPITAL COULD MAKE AVAILABLE ITS RECORDS CONCERNING SUCH EXAMINATION.

USA COOLIDGE BEING KEPT ADVISED OF ALL DEVELOPMENTS AS THEY OCCUR INCLUDING EFFORTS TO OBTAIN FILM AND HOSPITAL RECORDS.

CHARLOTTE CLOSELY FOLLOWING ALL DEVELOPMENTS AND WILL KEEP BUREAU INFORMED.

REPORT SUBMITTED TODAY.

END

BRB FBI WASH DC

①
CC-MR. ROSEN & Photo Lab

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUL 30 1970

TELETYPE

| | |
|--------------|----|
| Mr. Tolson | ✓ |
| Mr. Sullivan | ✓ |
| Mr. Mohr | |
| Mr. Bishop | |
| Mr. Brennan | CD |
| Mr. Callahan | |
| Mr. Casper | |
| Mr. Conrad | |
| Mr. Felt | |
| Mr. Gale | |
| Mr. Rosen | |
| Mr. Tavel | |
| Mr. Walters | |
| Mr. Soyars | |
| Tele. Room | |
| Miss Holmes | |
| Miss Gandy | |

NR011 PH PLAIN

1010PM URGENT 7-30-70 JJR

TO DIRECTOR

CHARLOTTE (70-3765)

FROM PHILADELPHIA (70-2049)

[REDACTED] ETAL; DENNIS EISMAN, ETAL - VICTIMS; CGR -

ASSAULT; OO: CHARLOTTE.

RE CHARLOTTE PHONE CALL TO PHILADELPHIA JULY THIRTY
INSTANT.

MEDICAL RELEASES FOR HOSPITAL AND DOCTOR RECORDS RE EISMAN
AND SEGAL, VICTIMS, OBTAINED TODAY. ORIGINALS FORWARDED
DIRECTLY TO FAYETTEVILLE RA VIA AIR MAIL SPECIAL DELIVERY,
SIGNED COPIES WILL BE RETAINED IN PHILADELPHIA.

EISMAN ADVISED HIS OFFICE HAD RECEIVED PHOTOGRAPHS TODAY
AND SAME WERE IN HANDS OF DEVELOPER. IT WAS NOTED THAT
NEGATIVES WOULD NEED TO BE DEVELOPED FROM SLIDES AND PRINTS
OBTAINED. EISMAN STATED THAT HE WOULD PROVIDE PHOTOGRAPHS TO
PHILADELPHIA OFFICE AS SOON AS POSSIBLE.

ON SAME DATE, EISMAN TELEPHONICALLY CONTACTED SAC,
END PAGE ONE

58 AUG 1 1970

MR. SULLIVAN FOR THE DIRECTOR

SEE 610 NOTE
7-31-70 CHARLOTTE
TELETYPE RATED
7-30-70.
WLC:

PAGE TWO

PHILADELPHIA, AND ADVISED AS FOLLOWS:

HE STATED HE HAD HEARD FROM GOOD SOURCES WITHIN GOVERNMENT AT WASHINGTON, D.C., THAT AN ATTEMPT HAD BEEN MADE TO MINIMIZE WHAT HAD HAPPENED AT TIME HE AND ATTORNEY BERNARD SEGAL WERE ASSAULTED ON GOVERNMENT RESERVATION IN NORTH CAROLINA. HE STATED THAT ACCORDING TO HIS SOURCE, A TRUE PICTURE WAS NOT GIVEN IN PRELIMINARY REPORTS. HE STATED THERE WAS NO INDICATION THAT FBI HAD ATTEMPTED TO WHITEWASH MATTER IN ANY WAY.

HE POINTED OUT UNITED STATES ATTORNEY FOR EASTERN DISTRICT OF NORTH CAROLINA HAD BEEN REPRESENTING ARMY IN THEIR CASE AGAINST CAPTAIN JEFFREY MC DONALD AND IT WAS HIS UNDERSTANDING THAT SAME USA WOULD BE IN POSITION TO RENDER OPINION BASED ON FBI'S INVESTIGATION OF ALLEGED ASSAULT. HE STATED HE WAS AFRAID SOMEONE WOULD TRY TO EITHER CHANGE FBI REPORT OR MAKE AN INTERPRETATION OF REPORT THAT WOULD TEND TO MINIMIZE WHOLE AFFAIR AND FURTHER ADVISED IF THIS WAS DONE NEWSPAPER PEOPLE WHO WITNESSED AFFAIR WOULD RAISE ALL KINDS OF TROUBLE BECAUSE THEY KNEW WHAT REALLY HAPPENED.

MR. EISMAN STATED HE WAS NOT INTIMATING AT ALL THAT FBI WOULD DO OTHER THAN COMPLETELY OBJECTIVE INVESTIGATION AS WE
END PAGE TWO

END PAGE THREE

ALWAYS DO. HE STATED THAT HE WAS CONCERNED FBI MIGHT BE LATER CRITIZED IF AN ATTEMPT WAS MADE BY SOMEONE ALONG THE LINE TO MINIMIZE THIS SITUATION, EVEN THOUGH WE WERE NOT GUILTY.

MR. EISMAN STATED HE WAS FURNISHING ABOVE FACTS WITH THOUGHT WE MIGHT WANT TO PASS IT ONTO OUR OFFICE IN NORTH CAROLINA OR FOR ANY ACTION WE MIGHT DESIRE TO TAKE.

MR. EISMAN ALSO ADVISED PICTURES THAT WERE TAKEN AT INCIDENT WHERE HE WAS ALLEGEDLY ASSAULTED WERE HIS PROPERTY, EVEN THOUGH PICTURES WERE TAKEN BY A REPRESENTATIVE OF THE PRESS. HE EXPLAINED THIS BY STATING THAT PRIOR TO THE INCIDENT HE THOUGHT SOMETHING MIGHT OCCUR AND HE HAD LOANED HIS CAMERA TO A MEMBER OF THE PRESS WITH UNDERSTANDING THAT SHOULD THEY TAKE ANY PICTURES THAT THEY WOULD BE GIVEN TO EISMAN. HE STATED THE PRESS HONORED THIS AGREEMENT.

PHILADELPHIA AT PHILADELPHIA WILL MAINTAIN DAILY CONTACT WITH EISMAN RE PHOTOGRAPHS AND FORWARD SAME TO CHARLOTTE DIVISION AS SOON AS POSSIBLE.

END

KK

TRC FBI WASHINGTON DC

CC-MR. ROSEN

7-31-70

GENERAL INVESTIGATIVE DIVISION

This is the case in which defense attorneys for Army Captain Jeffrey R. MacDonald have alleged that they were assaulted by Army personnel at Fort Bragg, North Carolina. MacDonald is charged by the Army with the brutal slaying of his wife and children on 2-17-70. USA Raleigh, North Carolina, requested FBI investigation on the alleged assault because he felt that defense attorneys of MacDonald were trying to circumvent prosecutive efforts of U. S. Army.

Attached advises of the activities of MacDonald and his attorneys, the victims, at Fort Bragg on 7-20-70 during pre-hearing conferences.

Our Philadelphia Office subsequently advised that Dennis Eisman, one of the attorneys allegedly assaulted, contacted the SAC and stated that he believed that USA in North Carolina would make an interpretation of the FBI report in this case that would tend to minimize the whole affair. Eisman stated that he realized the FBI was completely objective in its investigations and he was merely bringing his concern to the attention of the FBI. He was advised that the FBI is an investigative agency and that prosecutive determinations are made by the USA.

This matter is being followed closely.

AFN: b/s

for [signature] WBS
for [signature]
for [signature]

F B I

Date: 7/30/70

EX 106

REC 25
REC 9Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)TO: DIRECTOR, FBI
FROM: SAC, CHARLOTTE (70-3765) (P)
DENNIS HUBERT EISMAN - VICTIM
BERNARD L. SEGAL - VICTIM
CGR - ASSAULT

(OO: CHARLOTTE)

Re Charlotte airtel to Director, 7/28/70, entitled,
 DENNIS EISMAN - VICTIM, CGR - ASSAULT."Enclosed for the Bureau are three copies of a
report of SA H. WARREN TOOL, JR., dated 7/29/70, at Charlotte!Also enclosed are 3 copies each of the following
newspaper clippings pertaining to the alleged incident
involving subjects and victims:Article entitled "Mac Donald Is Released After
Hair Samples Taken," which appeared in the 7/21/70 issue of
"The Observer," a daily newspaper published at Fayetteville,
N. C.Article entitled "MPs Snatch Mac Donald To Take
Hair Samples," which appeared in the 7/21/70 issue of "The
Charlotte Observer," a daily newspaper published at Charlotte,
N. C.Article entitled "Army Releases Statement," which
appeared in the 7/21/70 issue of "The Observer" published at
Fayetteville, N. C.② - Bureau (Encls 15)
2 - Charlotte
DMH:dh
(4)

ENCLOSURE

REC 25

EX 106

17 JUL 31 1970

Approved: _____

Sent _____

M

Per _____

Special Agent in Charge

67 AUG 17 1970

b6
b7cb6
b7c

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Priority)

CE 70-3765

Article entitled "Mac Donald Case Reviewed by FBI," published in the 7/22/70 issue of "The Observer," Fayetteville, N. C.

Article entitled "Newsmen Questioned About Manhandling," appearing in the 7/22/70 issue of "The Observer," Fayetteville, N. C.

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

TO: DIRECTOR, FBI

FROM: SAC, CHARLOTTE (70-3765)

ENCLOSURES:

THREE SETS OF NEWSPAPER CLIPPINGS CONCERNING
ALLEGED INCIDENT AT FORT BRAGG, N. C., 7/20/70



70-3765-1-7
ENCLOSURE

(Mount Clipping in Space Below)

Newsmen Questioned About Manhandling

Federal Bureau of Investigation agents today questioned several newsmen who reported Monday that an Army investigator had manhandled a defense attorney for an Army officer accused of slaying his wife and two daughters.

Among those interviewed by FBI agents was reporter Jim Carr of the Fayetteville Observer. He said he was told an investigation was necessary in any such incident involving federal personnel where a grand jury action might be instigated.

Carr reported Monday that an Army Criminal Investigation Division agent hurled Dennis Eisman, a defense attorney for Capt. Jeffrey MacDonald, to the ground, breaking Eisman's glasses.

The Army denied that Eisman was manhandled, contending he either fell or threw himself on the ground. Eisman, of Philadelphia, Pa., has worn a neck brace since the incident.

Eisman was trying to question a CID agent who took MacDonald into custody to obtain a sample of his hair for use in the investigation.

Also interviewed by agents was Associated press writer Bill McKeithan, who witnessed the confrontation along with Carr.

Eisman said of the investigation: "We are not aware of how the FBI got into this, but of course we are glad to have an impartial investigation. They have questioned both myself and Mr. (Bernard) Segal."

(Indicate page, name of newspaper, city and state.)

1 OBSERVER
Fayetteville, N. C.

Date: 7-22-70

Edition:

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office: CE

☐ Being Investigated

day, however, to testify with a federal attorney on hand.

Other testimony this morning came from Criminal Investigation Division agent William Ivory, who under cross-examination testified that he did not check the pulse or heart of the three bodies when he arrived at the MacDonald home, Eisman told reporters.

Ivory testified that he assumes medical personnel had already checked the bodies and that he was under the impression that MPs who arrived on the scene first had checked for vital life signs, Eisman said.

Meanwhile, MacDonald's mother, Mrs. Dorothy MacDonald, who has been the only person not officially connected with the case allowed in the hearing room since the proceeding was closed on its first day, was to travel to New York today for a press conference at La Guardia Airport.

Also expected to be present for the press conference were Mr. and Mrs. Alfred Kassab of Long Island, parents of Mrs. Collette MacDonald. They were expected to discuss petitions which have been circulated in the MacDonalds' home towns on Long Island demanding that the hearing at Ft. Bragg be opened to the public and press.

Eisman said Tuesday that more than 1,200 signatures have been obtained on the petitions. He said they will be sent to President Nixon with

a request that he intervene in the case.

In testimony Tuesday, no mention was made of the hair sample which Army investigators obtained from MacDonald Monday after stopping his car at a Ft. Bragg intersection and taking him into custody over the objections of his attorneys.

It was presumed that investigators would use the sample for comparison with a hair which a witness has testified was found in the hand of Mrs. MacDonald after she was slain. The sample may have been sent to a Criminal Investigation Division laboratory at Ft. Gordon, Ga., for analysis.

Attorneys Bernard Segal and Dennis Eisman, who were roughed up by a CID agent when MacDonald was taken into custody Monday, appeared Tuesday to be in good health. Eisman was wearing a neck brace, on the advice of a local physician, he said, in case an old neck injury had been aggravated.

(Mount Clipping in Space Below)

MacDonald Case Reviewed By FBI

By JIM CARR
Observer Staff Writer

An FBI agent testified this morning that Capt. Jeffrey MacDonald was "emotionally upset and under sedation" when he was first interviewed at Womack Army Hospital about the deaths of his pregnant wife and two daughters.

The testimony of the agent, Robert Caverly of Fayetteville, was relayed to newsmen by defense attorney Dennis Eisman.

Eisman, saying he was quoting Caverly verbatim, said Caverly testified that MacDonald "became emotionally upset and at times was unable to follow a logical sequence of events" while being interrogated for the first time on the morning of the slayings.

Caverly said MacDonald began crying and that a doctor had to come in and calm

him down, Eisman told reporters.

Caverly read to hearing officer Col. Warren Rock a statement from MacDonald which was in narrative form rather than in the exact words of the defendant, Eisman said.

The details of the story, the attorney said, were basically the same as investigators had released earlier in the investigation.

MacDonald, a Green Beret doctor, contends that a hippie band of three men and a woman broke into his Corregidor Courts quarters and killed his wife Colette and two small daughters, Kristen and Kimberly. The Army contends that MacDonald carried out the killings and inflicted stab wounds on himself to cover up the crime.

Caverly also testified that he conducted short interviews with MacDonald on the two days following the slayings, and that MacDonald became progressively more coherent, Eisman said.

Caverly, whose testimony took approximately 90 minutes, was accompanied in the closed hearing room by Asst. U. S. Attorney James Proctor.

Caverly had been asked by the prosecution earlier to testify as an "unbiased witness" but the defense objected when Caverly asked that a representative of the U.S. Attorney's Office be allowed to accompany him.

Caverly was cleared Tues-

(Indicate page, name of newspaper, city and state.)

1 OBSERVER
Fayetteville, N. C.

Date: 7-22-70

Edition:

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office: CE

☐ Being Investigated

was then taken into protective custody.

"He was taken to the Provost Marshal's Office and, a few minutes later, was taken to his room in the BOQ. Mr. Eisman accompanied by Mr. Segal was then taken to Womack Army hospital in a military ambulance. Mr. Eisman's condition was evaluated by the doctor on duty in the hospital emergency room and he was found to

have no condition which required emergency treatment.

"He was referred to Cape Fear Valley Hospital for evaluation by a civilian physician. This referral is standard procedure since military hospitals are permitted to give only emergency treatment to civilian patients.

"There is no evidence to show that Mr. Segal was touched during the incident. Both Eisman and Segal were taken to Cape Fear Valley Hospital in a civilian ambulance.

"The hair samples were obtained from Capt. MacDonald without incident at 12:40 p.m. Mr. Segal and Eisman were notified that hair samples would be taken while they were at Womack Army Hospital. While they were present at the BOQ area military defense counsel were informed such process would proceed but they left without entering the BOQ. All were advised to see Capt. MacDonald at his BOQ room.

"Mr. Nance of Fayetteville was called at 11:15 a.m. and officially informed that the sample taking would occur at the BOQ room at 12:15 p.m. Mr. Nance was given instructions on how to find that BOQ and related that he understood.

"No attorney for Capt. MacDonald had appeared when the sample taking was completed at 12:50 p.m.

(Mount Clipping in Space Below)

Army Releases Statement

Editor's Note: Following is the official Army statement about the incident in which Capt. Jeffrey MacDonald was taken into custody Monday at Ft. Bragg.

"At 3 p.m. Friday, July 17 the office of the Staff Judge Advocate was advised by the U.S. Attorney that Chief Judge Algernon Butler had issued his order in the federal district court for the Eastern District of North Carolina in which Capt. MacDonald was seeking an injunction to prevent the taking of hair samples.

"The law clerk of Judge Butler informed a representative of the Staff Judge Advocate Office that Mr. Eisman, attorney for Capt. MacDonald, was informed that an order had been issued at the same time (3 p.m.). At 5:30 p.m. this order was filed with clerks of the Federal Court in Fayetteville. The order read "this court lacks jurisdiction to issue the injunction", sought. Although then not under any temporary restraining order by the Federal Court, the Criminal Investigation Division deferred from taking such samples until the Federal District Court had ruled.

"At 9:40 a.m. Saturday, July 18, a civilian attorney of record, Mr. Jim Nance, Jr., of Fayetteville, was given a copy of the order of the court. All efforts on the part of the government to locate other opposing counsel met

with no success. At 10:20 p.m. Sunday, July 19, military defense counsel was informed a hair sample would be taken by a doctor at Captain MacDonald's BOQ room at 8 a.m. Monday, July 20 and that attorneys could be present. Capt. MacDonald was not present at his room at 8 a.m., July 20.

"Inquiry resulted in locating Capt. MacDonald at the site of the Article 32 hearing with his lawyers. The Article 32 hearing was postponed because of the unavailability of a witness scheduled to testify Monday morning. Capt. MacDonald and civilian attorneys left the site of the hearing in his car.

"The car in which Capt. MacDonald and his civilian attorneys were riding was stopped by the military police. The military police officer advised MacDonald that he was being taken into protective custody and asked if he would please accompany him.

"One of the attorneys, Mr. Eisman, stood as to block the military police from reaching MacDonald. One of the agents moved forward to move Mr. Eisman out of the way. Before any force could be exerted Mr. Eisman wrenched himself violently aside and either fell or threw himself to the ground. Capt. MacDonald

(Indicate page, name of newspaper, city and state.)

1 OBSERVER
Fayetteville, N.C.

Date: 7-21-70

Edition:

Author:

Editor:

Title:

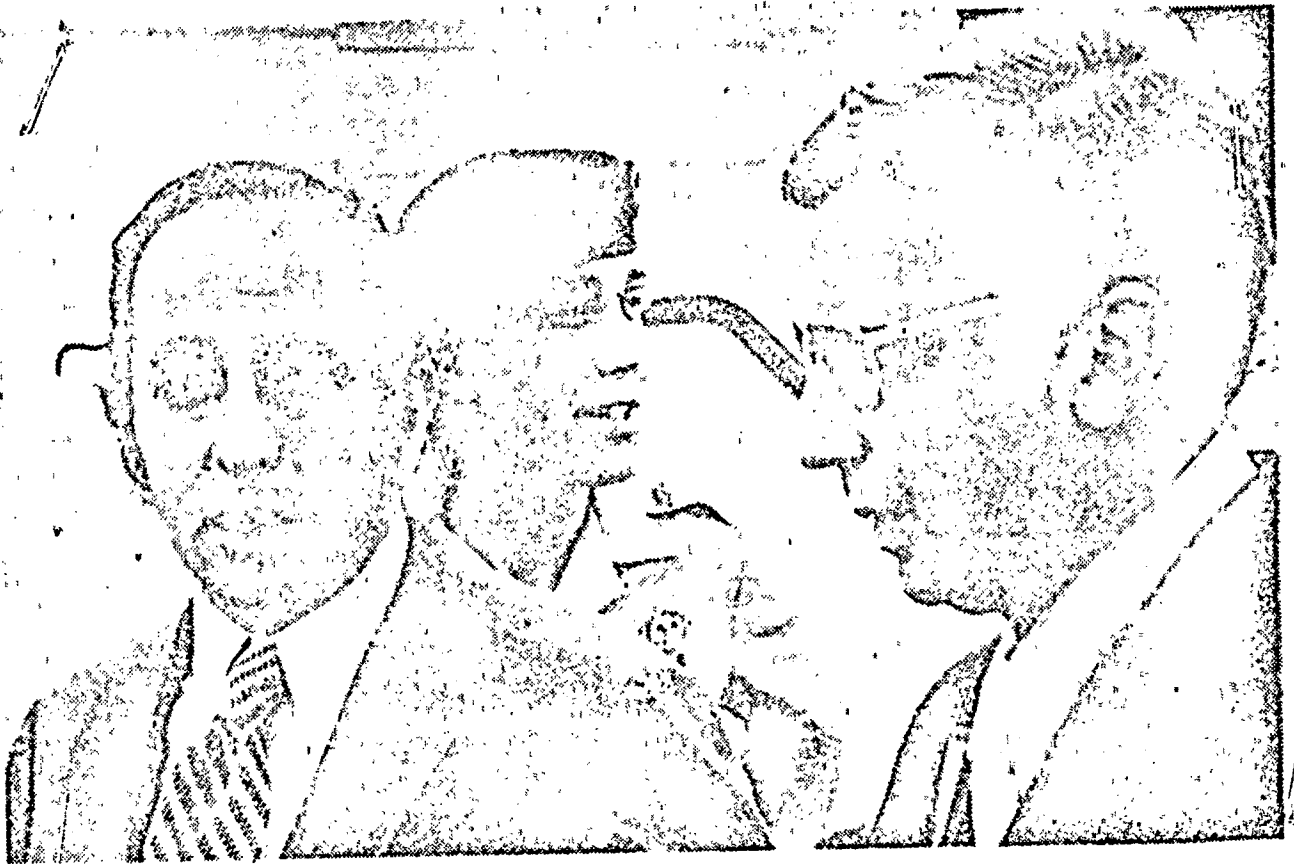
Character:

or

Classification:

Submitting Office: CE

☐ Being Investigated



AP Photo

Capt. Jeffrey MacDonald, Background, With His Two Lawyers
... Dennis Eisman, Right, Tangled With Military Policemen

moved forward to move Mr. Eisman out of the way. Before any force could be exerted, Mr. Eisman wrenched himself violently aside and either fell or threw himself to the ground ..."

MacDonald said that after the scuffle, he was taken to his quarters and an officer told him hair would be removed from his head and body.

He said he protested and demanded to see his lawyers, but was refused.

MacDonald said he was forced to remove his clothes and the hair samples were taken by a doctor. He said he was then told he was no longer under protective custody.

Hearings into the bizarre slayings last February of MacDonald's wife and two daughters

were then recessed until this morning.

Segal and Eisman had filed litigation in U.S. District Court at Clinton, N.C. to prevent the Army from taking a sample of MacDonald's hair, Eisman said he learned Sunday night that District Judge Algernon Butler had ruled the case is not in his jurisdiction, a ruling he will appeal.

Eisman said the prosecution telephoned him later Sunday night and said it would take MacDonald's hair sample Monday morning, forcibly if necessary.

The altercation occurred shortly after Monday's hearing was recessed at the prosecution's request until 1:30 that afternoon. The defense party, followed by newsmen, drove to MacDonald's quarters.

But Eisman, seeing military policemen outside, ordered his car to drive off. The policemen followed and stopped the car within a mile.

MacDonald's pregnant wife Colette, 26, and their two daughters, Kimberly, 6, and Kristen Jean, 2, were found beaten and stabbed to death in their apartment before dawn Feb. 17 after MacDonald called a telephone operator and asked for help. MacDonald had been stabbed in the chest.

The Army charges MacDonald, 27, killed his family, then inflicted his own wounds. He was treated at Womack hospital for the wounds, one of which pierced a lung.

MacDonald said the killings were done by four hippie-type intruders into his apartment.

Eisman said an Army pathologist, Maj. George E. Gam-

mel, testified at the hearing last week that a bit of hair, its origin unknown, was found in Mrs. MacDonald's hand. Eisman also said chemist Dillard Browning, a CID member, testified last week that strange hair was found in a brush lying next to Mrs. MacDonald's body.

Since the Army closed the hearing, over defense objections, Eisman's accounts have been the only ones available of the proceedings.

(Mount Clipping in Space Below)

MPs Snatch MacDonald To Take Hair Samples

Associated Press

FT. BRAGG — Military police forced murder suspect Capt. Jeffrey MacDonald's car off a street Monday, roughed up his two civilian attorneys and placed him in "protective custody."

Hair was then removed from his head and body, presumably to be used in prosecuting murder charges against the Green Beret doctor.

MacDonald was then released from protective custody.

He was seized about two hours after his attorneys, Dennis Eisman and Bernard Segal, had thwarted initial attempts by army investigators to take hair samples.

The incident occurred in full view of newsmen who were trailing MacDonald's car.

An Army captain, driver of the civilian car which forced the caravan off the road, ran to the first car and told MacDonald, "I'm placing you under protective custody."

MacDonald refused to leave the car, but Eisman got out, saying, "I'm his lawyer."

A burly military policeman grabbed the skinny, 5-foot-8 Eisman and threw him to the ground. The lawyer hit face down, breaking his eyeglasses, and did not move.

MacDonald got out and was grabbed by two other MPs.

Segal emerged and was shoved by a military policeman.

A military ambulance arrived and both Eisman and Segal were put on stretchers. The police drove away with MacDonald.

The lawyers were sent to a civilian hospital at nearby Fayetteville where they were treated and released.

The army denied the newsmen's eyewitness account.

The Army issued a statement saying attorney Jim Nance, of Fayetteville, who is assisting in the defense, MacDonald's military counsel and Eisman and Segal were advised the hair samples would be taken, but none of them appeared in MacDonald's room. An Army spokesman noted, however, Eisman and Segal were at the Fayetteville hospital.

The Army statement said Eisman "stood as to block the military police from reaching MacDonald. One of the agents

(Indicate page, name of newspaper, city and state.)

1 CHARLOTTE OBSERVE
Charlotte, N.C.

Date: 7-21-70

Edition:

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office:

CE

was found scrawled in blood on the headboard of a bed.

He was charged with the slayings some six weeks later, and is currently undergoing a hearing to determine whether he will be court-martialed on the charges.

The physician who treated Capt. MacDonald for his wounds testified this morning that MacDonald was heavily drugged at the time he was first interviewed by CID agents at Womack Army Hospital following the slayings.

Eisman, wearing a neck brace as the result of his scuffle with military police and CID agents Monday, relayed Maj. Severt Jacobson's testimony to newsmen outside the closed hearing room. He said Jacobson told the court that MacDonald had been given four separate intravenous doses of sedatives to ease his pain.

He said MacDonald received 200mg of Nembutol at 5:25 a.m.; 100mg of Visterol at 6 a.m.; 50mg of Denurool at 7:30 a.m.; and 50mg of Denurool at 8:23 a.m. He said it was after the fourth dose that CID investigators first questioned MacDonald at the hospital. The doses were administered under Jacobson's direction.

Jacobson said the effect of the drugs would have been cumulative, and that because they were given intravenously, MacDonald would have reacted to them faster, Eisman told reporters.

William Ivory, the first CID agent to arrive at the MacDonald home after the discovery of the slayings, took the witness stand following Jacobson. His testimony this morning concerned only the identification of photographs taken at the scene of the murders, Eisman said.



CONFERENCE—Attorney Dennis Eisman, right, wears a neck brace as he talks with Capt. Jeffrey MacDonald and fellow attorney Bernard Segal

outside the military hearing room at Ft. Bragg this morning. (UPI Telephoto)

later transferred to Cape Fear Valley.

MacDonald was taken first to CID headquarters at Ft. Bragg and later to his bachelor officer's quarters, where a physician took hair samples from his body without either of his attorneys present. He was released from custody about 12:45 p.m.

The Army moved to take the hair samples after Judge Algernon Butler of U. S. Eastern District Court ruled that his court had no jurisdiction over a suit filed by MacDonald's attorneys, who had sought an injunction to prevent the samples, claiming such action would violate their client's constitutional rights by forcing him to give evidence which might be used against himself.

An attempt earlier Monday to take MacDonald into custody had been thwarted by his attorneys, who called him to their offices adjacent to the hearing room for a conference at 6:30 a.m. They had been informed by the Army that the hair samples would be taken at 8 a.m., and a contingent of CID agents and MPs arrived at MacDonald's quarters shortly before 8, only to find that he was not there.

A group of CID agents waited for a time in an automobile in front of the building where the hearing is being conducted, but left shortly before MacDonald emerged from the building.

The hair samples presumably will be used for comparison with a hair which a government witness has testified was found in the hand of Mrs. MacDonald. She and her two daughters, Kimberly, 6, and Kristen, 2, were found beaten and stabbed to death in the bedrooms of their Ft. Bragg home on the morning of Feb. 17. MacDonald, a Special Forces physician, also had been stabbed several times.

MacDonald told investigators that his family was attacked by a band of hippie-like intruders, including a girl with long blonde hair who carried a candle and chanted "acid is groovy, kill the pigs." The word "pigs"

(Mount Clipping in Space Below)

MacDonald Is Released After Hair Samples Taken

By JIM CARR
Observer Staff Writer

Capt. Jeffrey MacDonald, charged by the Army with the murder of his wife and two children, was released from "protective custody" Monday after Army investigators took samples of hair from his body against his objections.

MacDonald had been taken into custody about 10 a.m. Monday as Criminal Investigation Division agents and military police stopped the car in which he was riding at a Ft. Bragg intersection and manhandled his two civilian attorneys in getting him out of the car.

The attorneys, Dennis Eisman and Bernard Segal of Philadelphia, Pa., were released from Cape Fear Valley Hospital at mid-afternoon after being examined and receiving treatment for minor injuries received in the affray.

Three reporters, including myself, who were on the scene, saw a husky CID agent in civilian clothes throw Eisman forcefully to the ground and bump Segal against the car as they protested the taking of MacDonald.

Eisman, who appeared to be knocked unconscious when he hit the ground, and Segal were taken by ambulance to the emergency room of Womack Army Hospital and

(Indicate page, name of newspaper, city and state.)

1 OBSERVER
Fayetteville, N. C.

Date: 7-21-70

Edition:

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office: CE

☐ Being Investigated

CAPE FEAR VALLEY HOSPITAL

FAYETTEVILLE, N. C.

OUR PATIENT RECORD

NO. 58562

DATE 7-20-70
TIME IN 11:55 A -

| | | | | | | | | | | | |
|-----------------------------|--|-------------|------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|---|--------------|-----|------|
| FAMILY NAME | | FIRST | MIDDLE OR MAIDEN | MALE | FEM. | M | S | D | DATE OF BIR. | AGE | RACE |
| Harrison | | Derms | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | 29 | W. |
| ADDRESS | | STREET | | CITY | | STATE | | PHONE | | | |
| 1345 Fox Acres Rd. | | Rydal, N.C. | | (19046) | | | | | | | |
| SPOUSE OR RESPONSIBLE PARTY | | ADDRESS | | BROUGHT TO HOSPITAL BY: | | | | | | | |
| Self | | | | <input type="checkbox"/> SELF | | <input type="checkbox"/> POLICE | | <input checked="" type="checkbox"/> AMBULANCE | | | |
| LOYER: | | ADDRESS | | <input type="checkbox"/> OTHER | | | | | | | |
| INSURANCE INFORMATION | | | | NOTIFIED: | | | | | | | |
| NOTIFIED DR. | | TIME | | BY WHOM | | | | | | | |
| COMPLAINTS | | yes | | S. J. | | | | | | | |

Transf. fr. W. H. A. - says on
examination of cervical spine
has found number of years ago
there in Phil. 66-67. Thrown about
15-ft. in air & land on face & neck.
P.E. tenderness of C7 & some upper
cervical spine. Ref. Reflexes O.K.
Hypso dorsum of rt. hand.
Says good no weakness
Cerv. cervical spine

X-ray cervical spine - neg
66-67 since called subject so
before he went with no gain
Cerv. spine Databasis address
X. Databasis 65 (18)
Cerv. 8 & 7.50
X-ray 20.00.

| | | | |
|--------------|------|-------------------------------|-------------------------------|
| DISPOSITION | | | |
| SEEN AND OUT | TIME | <input type="checkbox"/> A.M. | <input type="checkbox"/> P.M. |
| ADMITTED | TIME | | |
| OTHER | | | |
| | | DOCTOR | |
| | | NURSE | |

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14

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

AUG 8 1970

TELETYPE

| | |
|--------------|-------|
| Mr. Tolson | _____ |
| Mr. Sullivan | _____ |
| Mr. Mohr | _____ |
| Mr. Bishop | _____ |
| Mr. Brennan | CD |
| Mr. Callahan | _____ |
| Mr. Casper | _____ |
| Mr. Conrad | _____ |
| Mr. Felt | _____ |
| Mr. Gale | _____ |
| Mr. Rosen | _____ |
| Mr. Tavel | _____ |
| Mr. Walters | _____ |
| Mr. Soyars | _____ |
| Tele. Room | _____ |
| Miss Holmes | _____ |
| Miss Gandy | _____ |

NR 007 PH PLAIN

5:18AM 8-8-70 NITEL JMV

TO DIRECTOR

CHARLOTTE (70-3765)

FROM PHILADELPHIA (70-2049) P

[REDACTED] ET AL; DENNIS EISMAN - VICTIM; BERNARD L. SEGAL -
VICTIM. CGR - ASSAULT.

b6
b7C

RE CHARLOTTE AND PHILA TELS TO BUREAU JULY THIRTY LAST, AND
PHILA TEL TO CHARLOTTE EIGHT FIVE AND SIX LAST.

ON EIGHT SEVEN LAST, EISMAN ADVISED PHOTOGRAPHS WOULD
BE OBTAINED BY HIS SECRETARY ON MONDAY EIGHT TEN NEXT AND MADE
AVAILABLE TO FBI ON SAME DATE.

EISMAN RETURNING TO FAYETTEVILLE, N.C., ON EIGHT NINE
NEXT AND SUGGESTED HE BE CONTACTED BY BUAGENTS, FAYETTEVILLE
CONCERNING INFORMATION RE PHOTOGRAPHS. HE ADVISED HE WILL BE
IN FAYETTEVILLE UNTIL EIGHT FOURTEEN NEXT.

PHILA WILL FORWARD PHOTOGRAPHS AMSD UPON RECEIPT.

END

HOLD FOR ONE MORE TEL

MCT-6

REC 45

EX-117

AUG 10 1970

58 AUG 17 1970

CC-

b6
b7C

SAC, Charlotte (70-3765)

August 13, 1970

Director, FBI

1 - [redacted]

[redacted] ET AL;
DENNIS EISMAN - VICTIM;
BERNARD L. SEGAL - VICTIM
CGR - ASSAULT
OO: CHARLOTTE

Enclosed for Charlotte is one copy of CID Report of Investigation dated August 7, 1970. You may desire to furnish copies of this report to the U. S. Attorney.

Enclosure

WLC:lp
(4)

NOTE: This involves the alleged assault on 7/20/70, by CID Agents on two defense attorneys representing Captain Jeffrey MacDonald, who is charged by the Army with the brutal slaying of his wife and children at Fort Bragg, North Carolina, on 2/17/70. USA requested FBI investigation. CID conducted administrative investigation, furnished Bureau copy of their report, which is being forwarded to Charlotte.

MAILED 25

AUG 13 1970

COMM-FBI

MCT:33
REC-84

10-52631-9
AUG 14 1970

EX-110

Tolson _____
Sullivan _____
Mohr _____
Bishop _____
Brennan, C.D. _____
Callahan _____
Casper _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

66 AUG 14 1970 MAIL ROOM TELETYPE UNIT

August 13, 1970

Airtel

1 -

b6
b7C

EX-109

TO: SAC, Philadelphia (70-2049)

FROM: Director, FBI *70-52631-10*

b6
b7C

ET AL.
DENNIS EISMAN - VICTIM
BERNARD L. SEGAL - VICTIM
CGR - ASSAULT
(OO: CHARLOTTE)

AS Re Philadelphia airtel dated 8/10/70.

Charlotte, in your contact with Dennis Eisman, insure that the quality of the remaining nine slides of the assault scene are reviewed and made available for presentation to the United States Attorney. Advise.

1 - Charlotte (70-3765)

WLC:bkc
(4) *bkc*

NOTE:

This concerns the alleged assault of two defense attorneys, both civilians, who are representing Captain Jeffrey Mac Donald at Fort Bragg, North Carolina, who is charged with the brutal slaying of his wife and two daughters on 2/17/70. The assault is alleged to have been committed by CID agents and the United States Attorney requested FBI investigation as it appeared that the attorney's actions were an effort to thwart prosecutive action by the Army against Mac Donald. Mac Donald made his camera available to newsmen at time of alleged assault on July 20, 1970. Film alleged to total twenty slides. Eisman has made available eleven slides.

MAILED 23
AUG 13 1970
Tolson _____
Sullivan _____
Mohr _____
Bishop _____
Brennan, C.D. _____
Callahan _____
Casper _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

MAIL ROOM ☐ TELETYPE UNIT ☐

PC

F B I

Date: 8/10/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, PHILADELPHIA (70-2049)(P)

SUBJECT:
 ET AL;
 DENNIS EISMAN - VICTIM;
 BERNARD L. SEGAL - VICTIM;
 CGR - ASSAULT
 (OO: CHARLOTTE)

*checked
y/c m/z
9*

Re Philadelphia teletype to Bureau and Charlotte
8/8/70. Charlotte telephone call to Philadelphia, 8/10/70.

Enclosed for Charlotte are 11 slides provided by
 DENNIS EISMAN which she advised
 were taken at Ft. Bragg, N.C.

On 8/10/70, DENNIS
 EISMAN, Suite 600, #1 East Penn Square, made available 11
 slides which she advised were photographs taken at Ft. Bragg,
 N.C., on 7/20/70 concerning captioned matter.

advised EISMAN can be reached at the Heart
 of Fayetteville Motel, Fayetteville, N.C., telephone 919-
 396-9901 should Charlotte desire to interview EISMAN.

FD 302s follow.

- 2 Bureau.
 2- Charlotte (70-3765) (Encl. 11) (Am, S.D. REC-51)
 1- Philadelphia (70-2049)

JPW/amd
 (5)

*airtel
8/12/70
sac: Charlotte
wcc: bke*

EX-109 ⁷ 5 AUG 11 1970

70-52631-10

Approved: *[Signature]* Sent: _____ M Per _____
 Special Agent in Charge

FEDERAL BUREAU OF INVESTIGATION

| | | | |
|--|--------------------------------------|---|--|
| REPORTING OFFICE CHARLOTTE | OFFICE OF ORIGIN CHARLOTTE | DATE 8/17/70 | INVESTIGATIVE PERIOD 7/29/70-8/17/70 |
| TITLE OF CASE CHANGED [REDACTED] DENNIS HUBERT WEISMAN - VICTIM; BERNARD LARRY SEGAL - VICTIM | | REPORT MADE BY SA H. WARREN TOOL, JR. | TYPED BY mjw |
| | | CHARACTER OF CASE CGR - ASSAULT | b6 b7C |

The title is changed to set out full names of [REDACTED] and SEGAL determined from military records and other inquiries.

REFERENCES:

Report of SA H. WARREN TOOL, JR., at Charlotte, 7/29/70.
Bureau airtel to Charlotte, 8/13/70.

- P -

ADMINISTRATIVE:

An extra copy of this report is being furnished the Bureau in event dissemination to the Department of Army is desired. Photographs of alleged assault are being sent the U. S. Attorney by letter.

| | | | | | | | | |
|--|-------------------------|------|-------|---------|------------|--|--|---|
| ACCOMPLISHMENTS CLAIMED | | | | | | <input checked="" type="checkbox"/> NONE | ACQUIT- TALS | CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO |
| CONVIC | AUTO. | FUG. | FINES | SAVINGS | RECOVERIES | | | |
| APPROVED [Signature] COPIES MADE: 3 - Bureau (70-52631) 1 - USA, Raleigh, N. C. 2 - Charlotte (70-3765) | | | | | | | DO NOT WRITE IN SPACES BELOW 70-52631-11 AUG 20 1970 MCT-16 REC-52 EX 105 | |
| Dissemination Record of Attached Report | | | | | | | Notations | |
| Agency | [REDACTED] | | | | | | b6 b7C | |
| Request Recd. | U.S. Army | | | | | | | |
| Date Fwd. | 7/1/70 M.C. [Signature] | | | | | | | |
| How Fwd. | [Signature] | | | | | | | |
| By | [Signature] | | | | | | | |

80 SEP 2 1970

COVER PAGE

CE 70-3765

LEADS:

CHARLOTTE

AT FAYETTEVILLE, N. C.

Consult U. S. Attorney regarding any additional inquiry, and report prosecutive action, if any.

- B* -

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Raleigh, N. C.

Report of: SA H. WARREN TOOL, JR.
Date: 8/17/70

Office: CHARLOTTE

Field Office File #: 70-3765

Bureau File #: 70-52631

Title:

DENNIS HUBERT EISMAN - VICTIM;
BERNARD LARRY SEGAL - VICTIMb6
b7c

Character: CRIME ON A GOVERNMENT RESERVATION - ASSAULT

Synopsis:

Title changed to include full names of subjects and victims. EISMAN and SEGAL prepared affidavits regarding alleged assaults on them by Military Police, Fort Bragg, N. C., 7/20/70, which they furnished Commanding General for action. Both victims authorized review of hospital and medical records, Cape Fear Valley Hospital, Fayetteville, N. C., which show complaints of victims, but no established injuries. Photographs taken by newsmen of alleged assault obtained and copies furnished USA.

- P -

DETAILS:AT FORT BRAGG, NORTH CAROLINA

Referral/Direct

FD-302 (Rev. 4-15-64)
FEDERAL BUREAU OF INVESTIGATION1Date July 30, 1970

DENNIS EISMAN, Suite 600, One East Penn Square Building, signed a receipt authorizing the release of Cape Fear Valley Hospital, Fayetteville, North Carolina, records pertaining to treatment received by him on July 20, 1970.

Additionally, EISMAN signed a release for treatment records, treatment performed by [REDACTED] Fayetteville, North Carolina.

b6
b7C

The original of this receipt was forwarded to the Federal Bureau of Investigation, Fayetteville, North Carolina; signed copies are being retained by the Philadelphia, Pennsylvania, Federal Bureau of Investigation.

On 7/30/70 at Philadelphia, Pa. File # Philadelphia 70-2049
SAs HAROLD G. SMITH and [REDACTED] JPW/emd/eas Date dictated 7/30/70
by [REDACTED]

b6
b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FEDERAL BUREAU OF INVESTIGATION

1Date July 30, 1970

BERNARD L. SEGAL, Suite 600, One East Penn Square Building, signed a receipt authorizing the release of Cape Fear Valley Hospital, Fayetteville, North Carolina, records pertaining to treatment received by him on July 20, 1970.

Additionally, SEGAL signed a release for treatment records, treatment performed by [redacted] Fayetteville, North Carolina. The original of the receipt was forwarded to the Federal Bureau of Investigation, Fayetteville, North Carolina; signed copies are being retained by the Philadelphia, Pennsylvania, Federal Bureau of Investigation.

b6
b7C

On 7/30/70 at Philadelphia, Pa. File # Philadelphia 70-2049
by SAs HAROLD G. SMITH, [redacted]
and [redacted] JPW/emd/eas Date dictated 7/30/70

b6
b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FEDERAL BUREAU OF INVESTIGATION

Date August 5, 1970

1

[redacted] Fayetteville
Orthopaedic Clinic, upon being furnished authorization
for release of medical records concerning BERNARD L.
SEGAL and DENNIS EISMAN, furnished the following
medical report in regard to these two individuals which
he dictated from copies of the hospital reports.

b6
b7c

On 8/3/70 at Fayetteville, N. C. File # CE 70-3765by SA [redacted] cvs Date dictated 8/4/70b6
b7c

FAYETTEVILLE ORTHOPAEDIC CLINIC

1669 OWEN DRIVE
FAYETTEVILLE, N. C.
28304

AREA CODE 919
TELEPHONE
484 3114 484 3115

July 31, 1970

[REDACTED]
Federal Bureau of Investigation
Fayetteville, N. C.

b6
b7C

Re: Bernard Segal
Dennis Eisman

Dear [REDACTED]

b6
b7C

Mr. Bernard Segal was seen by me in the emergency room at Cape Fear Valley Hospital on July 20, 1970.

He states that he had been thrown up against a car and that he had had pain in his right posterior shoulder area and neck. He had been taken to Womack Army Hospital where he was seen in the emergency room. He stated that he became extremely upset there with right chest pain and trouble breathing, but that this had gradually subsided and he was much more comfortable now.

He had had no previous difficulty before this occurrence.

Physical examination showed full range of motion of his neck. There was some tenderness of the right pectoralis major muscle of his shoulder and he claimed soreness here. His chest was clinically negative to auscultation. There was slight tenderness of the right posterior cervical area also. Neurological examination was entirely negative.

X-rays were taken of the chest and of the cervical spine and no abnormalities were noted. It was my impression he had a contusion or sprain of his neck and right shoulder area and I felt that no treatment was indicated.

Mr. Eisman was also seen on July 20, 1970.

He stated that he had had trouble with a cervical disc a number of years previously and had been treated in Philadelphia for this in 1966 and 1967. The only treatment that ever helped him at that time was wearing a cervical collar.

July 31, 1970

Re: Bernard Segal
Dennis Eisman

b6
b7C

He stated that the day of being seen in the emergency room he had been thrown about fifteen feet in the air and had landed on his face and neck. He stated he noted immediate pain in his neck in the right portion at the base of his neck and some in the upper cervical spine. He noted pain on rotation and flexion and extension of his neck and limited all motions about 50%. There was some decreased sensation of the dorsum of the right hand to pinprick. His grip was good and no weakness was noted. His reflexes were equal and active.

X-rays were taken of the cervical spine and did show some very slight posterior narrowing of the C6-7 interspace but otherwise the spine was normal and no traumatic change was seen.

He wished a cervical collar since it had helped him so much before and he felt it might prevent him from getting worse and so was given a prescription for this. He was also given a prescription for Darvon and was advised to return if necessary.

Very truly yours,

[Redacted]
[Redacted] M. D.

b6
b7C

m. d.

[Redacted]

[Redacted]

CE 70-3765

4

upon being questioned as to MR. EISMAN requesting a cervical collar, advised he probably would not have prescribed this unless it had been requested by MR. EISMAN.

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

Date August 5, 1970

1

[redacted] Cape
Fear Valley Hospital, upon being presented authorization
for release of hospital records by MR. BERNARD L. SEGAL
and MR. DENNIS EISMAN, furnished the out patient records
for these two persons which were filled out for the
hospital by [redacted] the examining
physician. Copies of the hospital out patient records
for these two men are as follows:

b6
b7C

On 8/3/70 at Fayetteville, N. C. File # CE 70-3765

by SA [redacted] :CVS Date dictated 8/4/70

b6
b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

CAPE FEAR VALLEY HOSPITAL

FAYETTEVILLE, N. C.

OUT PATIENT RECORD

NO. 58563

DATE 7-20-70
TIME IN 11:55 A -

| | | | | | | | | | | | | |
|---------------------------|--|--------------|------------------|-------------------------------------|------|-------|-----|-------|-----|---------------|-----|------|
| FAMILY NAME | | FIRST | MIDDLE OR MAIDEN | MALE | FEM. | MR. | MS. | D. | SEP | DATE OF BIRTH | AGE | RACE |
| Segal | | Harold | | <input checked="" type="checkbox"/> | | | | | | | 39 | Bl. |
| ADDRESS | | STREET | | CITY | | STATE | | PHONE | | | | |
| 7224 | | Cullison St. | | Philadelphia | | Pa. | | | | | | |
| NAME OF RESPONSIBLE PARTY | | ADDRESS | | CITY | | STATE | | PHONE | | | | |
| | | | | | | | | | | | | |

EMPLOYER: ADDRESS:

INSURANCE INFORMATION

NOTIFIED BY: TIME: BY WHOM:

COMPLAINTS:

Transf. fr. W.H. - says he was
thrown - against car
was in at post
about 5 or 6 weeks. It became

FINDINGS
TEMP. ☐ ORAL
☐ RECTAL
P. 80 R. 20
BP. 122/90
DIAGNOSIS:

major. Chest says to auscultate -
all under pt. report apur. area
full reaction. Neuro. neg
X-ray - chest & cervical spine
neg

Dx contusion or sprain

No Rx
Chg. E.R. 7.50
X-Rays 35.00

| | | | |
|-------------|--|------|--|
| DISPOSITION | | TIME | |
| IN AND OUT | | TIME | |
| ADMITTED | | TIME | |
| HER | | TIME | |

RECEIVED

DOC
NUMb6
b7C

15

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

Date August 5, 1970

1

[redacted]
[redacted] advised he is employed as a driver and attendant for the Ambulance Medical Service 312 Gillespie Street, Fayetteville, North Carolina.

b6
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He advised that on July 20, 1970, he and [redacted] were on call and at 10:54 AM they recieved a call to proceed to the Womack Army Hospital, Fort Bragg, North Carolina. Upon their arrival there, they were informed by authorities there were two civilians to be transported to Cape Fear Valley Hospital. He advised they arrived at Womack Army Hospital at 11:21 AM.

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[redacted] stated he was notified by authorities at Womack Army Hospital that the two civilians were BERNARD L. SEGAL and DENNIS EISMAN who were the attorneys in the [redacted] case. He was also advised by medical authorities there that EISMAN was complaining of a back and neck pain and SEGAL was complaining of chest pains and difficulty in breathing. He advised he made no examination of either one and accepted the examination made by Womack Army Hospital. He advised EISMAN was placed on a litter flat on his back. SEGAL was placed in a litter in a semi-sitting position.

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[redacted] advised they left Womack Army Hospital at 11:34 AM with a military police escort off the post and arrived at Cape Fear Valley Hospital, Fayetteville, North Carolina, at 11:50 AM. He stated he took the two patients to the emergency room, turned the papers over to the nurse he had brought from Womack Army Hospital, and he and [redacted] departed the hospital at 12:13 PM.

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[redacted] advised a third person, [redacted] (LAST NAME UNKNOWN), rode to the hospital in the ambulance with them. He understood this person to be a member of MR. EISMAN'S and MR. SEGAL'S staff. He advised MR. SEGAL and

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On 8/3/70 at Fayetteville, N. C. File # CE 70-3765

by SA [redacted] :evs Date dictated 8/4/70

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b7C

CE 70-3765

2

MR. EISMAN were concerned with regard to their wives being contacted regarding the matter.

[redacted] stated MR. EISMAN'S clothes had grass and burrs on them. He stated MR. SEGAL moaned when they placed him on the litter.

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He advised while en route to the hospital MR. EISMAN asked why they did not have the red light on and he was advised there was no case of emergency.

[redacted] advised both patients were coherent.

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[redacted] stated the main concern of MR. SEGAL and MR. EISMAN was the fact that they wanted their wives to know they were all right.

FEDERAL BUREAU OF INVESTIGATION

Date August 5, 19701

[redacted] advised he is employed as an attendant for the Ambulance Medical Service, 312 Gillespie Street, Fayetteville, North Carolina.

b6
b7C

He advised that on July 20, 1970, he accompanied [redacted] in an ambulance where they picked up two civilians at Womack Army Hospital. He advised they were notified by authorities there that the two civilians were BERNARD SEGAL and DENNIS EISMAN who were the attorneys in the MAC DONALD case. He advised the series of events taking place were the same as furnished by [redacted]

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In addition, he stated MR. EISMAN wanted to know if his doctor in Philadelphia had been contacted and they advised him they did not know if he had or not. He stated [redacted] (LAST NAME UNKNOWN) who was riding with them then advised he had not been contacted.

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He advised EISMAN was concerned over his neck and back since he had a prior injury and he lay still on the litter en route to Cape Fear Valley Hospital.

He advised he checked MR. SEGAL'S pulse while en route to Cape Fear Valley Hospital and he considered it normal for a man his age.

He recalled that while en route, MR. SEGAL asked [redacted] where his glasses were and [redacted] stated MR. MAC DONALD had them. He advised that while en route, MR. EISMAN said to [redacted] exact words not known, but something to the effect "They didn't teach that in law school."

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b7C

On 8/3/70 at Fayetteville, N. C. File # CE 70-3765

by SA [redacted] :CVS Date dictated 8/4/70

b6
b7C

AT CHARLOTTE, NORTH CAROLINA

On July 29, 1970, the information received by FBI Charlotte that attorney DENNIS EISMAN had refused to allow photographs allegedly taken on July 20, 1970, in connection with his and SEGAL's alleged assault to be turned over to the FBI was furnished to U. S. Attorney WARREN H. COOLIDGE, Eastern District of North Carolina. COOLIDGE said he would consider issuing a subpoena forthwith to obtain the film, but first would like to know if EISMAN and/or SEGAL would voluntarily give up the film.

Newspapermen who originally took the film had said that the roll of film taken was on a roll with 20 frames; however, it was not known just how many of this number would be sufficiently good to develop.

On the same date, the Philadelphia Division was requested to have FBI Agents secure the film.

On July 29, 1970, EISMAN advised FBI Philadelphia he would be glad to make the film available but that it had not yet been received from newspapermen at Charlotte, North Carolina.

On July 30, 1970, EISMAN advised he had received the film, that it had been placed in the hands of the developer and copies would be made available as soon as possible.

EISMAN also had the following to say:

He stated he had heard from good sources within the Government at Washington, D. C., that an attempt had been made to minimize what had happened at the time he and attorney BERNARD SEGAL were assaulted on a Government reservation in North Carolina. He stated that according to his source, a true picture was not given in the preliminary reports.

He pointed out that the United States Attorney for the Eastern District of North Carolina had been representing the Army in their case against Captain JEFFREY MAC DONALD, and it was his understanding that the same U. S. Attorney would be in a position to render an opinion based on the FBI's investigation of the alleged assault. He stated he was afraid

CE 70-3765

someone would try to either change the FBI report or make an interpretation of the report that would tend to minimize the whole affair and further advised that if this was done the newspaper people who witnessed the affair would raise all kinds of trouble because they knew what really happened.

Mr. EISMAN also advised pictures that were taken at the incident where he was allegedly assaulted were his property, even though the pictures were taken by a representative of the press. He explained this by stating that prior to the incident he thought something might occur and he had loaned his camera to a member of the press with the understanding that should they take any pictures they would be given to EISMAN. He stated the press honored this agreement.

FEDERAL BUREAU OF INVESTIGATION

Date August 11, 1970

On the below listed dates, DENNIS EISMAN, Suite 600, One East Penn Square Building, advised that the photographs concerning the alleged assault on him and BERNARD SEGAL at Fort Bragg, N. C., on July 20, 1970, had not yet been received from the developer.

July 29, 1970 - Thursday
July 30, 1970 - Friday
August 3, 1970 - Monday
August 5, 1970 - Wednesday
August 6, 1970 - Thursday
August 7, 1970 - Friday

On the above dates, EISMAN advised that as soon as the photographs were returned to him and copies made, he would advise the Philadelphia office. On August 7, 1970, EISMAN stated that he had made arrangements with [redacted] to provide the photographs to the Philadelphia office of the Federal Bureau of Investigation in his, EISMAN's, absence. He stated that the photographs should be reproduced by Monday afternoon, August 10, 1970.

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b7C

7/29, 7/30, 8/3,
8/5, 8/6, and
on 8/7/70 at Philadelphia, Pa. File # Philadelphia 70-2049
by SA [redacted] end Date dictated 8/11/70

b6
b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FEDERAL BUREAU OF INVESTIGATION

Date August 11, 1970

[redacted] DENNIS EISMAN, Suite 600, One East Penn Square Building, made available eleven photographs (slides) which she advised depicted incident involving EISMAN and Attorney BERNARD L. SEGAL at Fort Bragg, N. C. during which time they were allegedly assaulted, July 20, 1970.

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[redacted] stated that ROSENFELD, Incorporated, 13th and Walnut Street, Philadelphia, Pa., had developed the film.

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[redacted] further advised that EISMAN could be contacted at the Heart of Fayetteville Motel, Fayetteville, N. C., telephone number 919-396-9901.

b6
b7C

on 8/10/70 at Philadelphia, Pa. File # Philadelphia 70-2049

by SA [redacted] /emd Date dictated 8/11/70

b6
b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FEDERAL BUREAU OF INVESTIGATION

Date August 11, 1970

[redacted] Rosenfeld Photographic Suppliers Incorporated, 1304 Walnut Street, advised as follows:

b6
b7C

On August 10, 1970, [redacted] made available eleven slides to an individual who advised they were associated with DENNIS EISMAN, Attorney-at-Law. These slides had previously been provided by EISMAN to [redacted] for reproduction purposes.

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b7C

[redacted] located a cash sales slip reflecting an amount of \$3.50, which indicated that copies of eleven slides had been made. The amount reflected the cost for these eleven slides plus tax.

b6
b7C

[redacted] noted that it was a cash sale, no name was reflected on the slip. He further advised that neither EISMAN nor BERNARD L. SEGAL had an account with their company. He advised he would be unable to determine the date these items were brought in for reproduction without an invoice number.

b6
b7C

[redacted] concluded by stating that normally Kodak slide film comes in rolls of twenty or thirty-six exposures and either all of the slides were not brought in for reproduction or else the complete film pack had not been exposed prior to bringing same in for developing. It was further noted that possibly all were exposed, but some of the negatives were not "readable" after developing and they could have been destroyed by EISMAN or others.

b6
b7C

on 8/10/70 at Philadelphia, Pa. File # Philadelphia 70-2049

by SA [redacted] /end

Date dictated 8/11/70b6
b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FEDERAL BUREAU OF INVESTIGATION

Date August 17, 1970

[] Associated Press [] advised that the film which had been taken by newsmen on July 20, 1970, at Fort Bragg, North Carolina, and which had been turned over to newspaperman [] was sent by him to the Associated Press at Washington, D. C., for development. He said the box in which the film was returned to him was full and he presumed it contained 20 frames, although he was not certain of the number since he did not count them. He did know the little box in which such film is normally sent was full. It was these same slides he sent on to DENNIS EISMAN at the latter's insistence on July 28, 1970.

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b7C

[] said that he learned that on July 21, 1970, the Associated Press at Washington, D. C., took the roll of color film to Du Pont Photo Lab, 1302 Connecticut Avenue, Northwest, for development and got them back from Du Pont on July 23, 1970. They were then returned to Charlotte and were on hand July 27, 1970. He said Du Pont Photo Labs would have billed the Associated Press at Washington, D. C., for the development of the film and the mounting of it in frames.

b6
b7C

24

On 8/14/70 at Charlotte, N. C.File # Charlotte 70-3765by SA H. WARREN TOOL, JR.: mjwDate dictated 8/17/70

CE 70-3765

On August 17, 1970, Supervisor [redacted] Washington Field Division, advised Supervisor [redacted] of the Charlotte Division that SA [redacted] had talked with [redacted] Associated Press, Washington, D. C., who recalled receiving the 20-frame roll of film from the Associated Press in North Carolina involving EISMAN and SEGAL. He said that of the 20-frame film pack, eleven were developed and nine came out blank.

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b7C

A set of these eleven photographs is being sent to U. S. Attorney WARREN H. COOLIDGE, Eastern District of North Carolina, Raleigh, North Carolina, by separate communication.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (70-52631)

FROM : *[Signature]* SAC, CHARLOTTE (70-3765) (P)

SUBJECT:

DATE: 8/17/70

b6
b7C

W

DENNIS HUBERT EISMAN - VICTIM;
BERNARD LARRY SEGAL - VICTIM
CGR - ASSAULT

Rerep of SA H. WARREN TOOL, JR., Charlotte, 7/29/70
and Bureau airtel to Philadelphia 8/13/70.

Enclosed for the Bureau are three (3) copies of
report of SA TOOL dated 8/17/70 at Charlotte.

Also enclosed are two sets of eleven (11) photographs
made from negative prints furnished by DENNIS EISMAN
to Agents at Philadelphia. One set is being furnished USA,
Raleigh, N. C., by letter with copy of report. Charlotte has
negatives in file.

It may be noted inquiries have determined that 11
of the 20-frame film were developed, nine were blank.

[Signature]

2 - Bureau (Encls. 25)
1 - Philadelphia (70-2049) (Info)
2 - Charlotte

HWT:mjw
(5)

b6
b7C

70-52631-

8 AUG 20 1970

ENCLOSURE ATTACHED
ENCLOSURE
AND HANDLED SEPARATELY

b6
b7C

70 SEP 21 1970



5010-108-01

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

TO: DIRECTOR, FBI (70-52631)

FROM: SAC, CE (70-3765)

ET AL
CGR - ASSAULT

b6
b7C

ENCLOSURES:

Two sets of 11 photos made from prints furnished by DENNIS EISMAN.

70-52631-11

F B I

Date: 9/1/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (70-52631)

FROM: SAC, CHARLOTTE (70-3765)

SUBJECT: b6
b7c

DENNIS HUBERT EISMAN -
VICTIM;
BERNARD LARRY SEGAL -
VICTIM
CGR - ASSAULT

Rerep of SA H. WARREN TOOL, JR., dated 8/17/70 at
Charlotte.

Enclosed for the Bureau are two copies each of news items appearing in the "Charlotte Observer", a daily morning newspaper and the "Charlotte News", a daily afternoon paper published at Charlotte, N. C. and from the "Fayetteville Observer" a daily paper published at Fayetteville, North Carolina. These items are individually described as follows:

Article "U.S. Official Rips 'Stunt' By Lawyers"
8/29/70 issue "Charlotte Observer"

Article "Report Calls MacDonald Hair Incident
'Cheap Stunt'"
8/28/70 issue "Charlotte News"

Article "Publicity Stunt Charged"
8/28/70 issue "Fayetteville Observer"

- ② - Bureau (Encs)
2 - Charlotte

DMH:sjw

(4)

ENCLOSURE
ENCLOSURE ATTACHED

Approved: *[Signature]*

Sent: _____

M

Per _____

Special Agent in Charge

70 SEP 11 1970

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

CE 70-3765

Article "Attorneys Request Inquiry"
8/29/70 issue "Fayetteville Observer"

Editorial "Cheap Publicity Stunt?"
8/29/70 issue "Fayetteville Observer"

APR 1971

2

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

TO: DIRECTOR, FBI (70-52631)

FROM: SAC, CHARLOTTE (70-3765)

SUBJECT:

DENNIS HUBERT EISMAN -
VICTIM;
BERNARD LARRY SEGAL -
VICTIM
CGR - ASSAULT

b6
b7C

ENC: Two copies each of five newspaper articles
from the "Charlotte Observer", "Charlotte News"
and the "Fayetteville Observer"

RE: Charlotte airtel to Bureau, 9/1/70

ENCLOSURE

70-52631-13

(Mount Clipping in Space Below)

Cheap Publicity Stunt?

All the details aren't in on U. S. Attorney Warren Harding Coolidge's report to the Justice Department on the recent "roughing up" incident involving Capt. Jeffrey MacDonald's lawyers and military authorities at Ft. Bragg, where proceedings are being held to determine whether the captain will be court-martialed in the vicious killings of his wife and little children.

But it is difficult to see how Coolidge's conclusion that the incident was "nothing but a cheap publicity stunt" could be based on anything but a considerable amount of mind-reading on the U. S. attorney's part.

Three reporters trying to cover the secret MacDonald hearing were on the scene when the incident took place. All said an Army CID agent hurled one of MacDonald's attorneys to the ground before taking the captain into custody to take hair samples from his body.

There was, in fact, some indication that MacDonald's Philadelphia lawyers had engaged in a kind of cat-and-mouse game with military authorities not long before the incident. The attorneys had been informed that authorities would take MacDonald into custody at a specific hour at his living quarters and the attorneys should have had the captain at the appointed place at the appointed hour, not cruising around the post as if to avoid the authorities.

Perhaps Coolidge's recommendation that no charges be brought in the incident is justified. The best evidence available to the public, however, still leaves open the question of whether more force was used against the lawyer than necessary when MacDonald was taken into custody. Coolidge's branding of the incident as a "cheap publicity stunt" hardly provides a satisfactory answer to that question.

(Indicate page, name of newspaper, city and state.)

Page 4A
Fayetteville
Observer
Fayetteville, N.C.

Date:

8/29/70

b6
b7C

Edition:

FINAL

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

70-3668

Attorneys Request Inquiry

MacDonald's Lawyers Act

Attorneys for Capt. Jeffrey MacDonald today called for a congressional investigation into a U.S. Attorney's charge that a recent incident between Army authorities and themselves was "nothing but a cheap publicity stunt" by the lawyers.

Dennis Eisman, a Philadelphia attorney helping defend MacDonald on three charges of premeditated murder, said he had sent telegrams to four senators and two congressmen asking them to look into U.S. Attorney Warren Coolidge's competence to remain in his post.

Coolidge's report contained copies of investigations by the FBI, the Army's Criminal Investigation Division and members of his own staff. The report recommended that no charges be brought.

Eisman accused Coolidge of using "invective and verbage in the place of facts in covering up for himself."

"He bears some of the responsibility for the attack," said Eisman, "and there appears to be a conflict of interest on his part."

The attorney said for Coolidge to find that the Army did in fact assault him while attempting to take MacDonald into "protective custody" would mean he (Coolidge) would have to prosecute his own clients.

Eisman said it was Coolidge's job to "find out whether I was assaulted. If I was, as is my contention, then he is bound by law to take appropriate action."

He said he had sent telegrams to Senators

(See ATTORNEYS, Page 2A)

(Mount Clipping In Space Below)

Attorneys

(Continued from Page 1A)
Richard Schweiker of Pennsylvania, Sam Ervin of North Carolina, Jacob Javits and Charles Goodell of New York, and Congressmen Otis Pike of Long Island and William Green of Philadelphia. He said all had expressed an interest in the case.

Eisman called Coolidge's report "an attempt to whitewash the episode. We felt this would happen and on Aug. 3 we requested Attorney General (John) Mitchell to take over the investigation."

He also asked that the FBI report on the incident be made public.

Meanwhile, the hearing against MacDonald, a 27-year-old Special Forces Doctor, is scheduled to reconvene next Tuesday. The hearing is to determine whether MacDonald will be court-martialed for the murders of his pregnant wife and two small daughters last February.

(Indicate page, name of newspaper, city and state.)

Page 1A + 2A

Fayetteville

Observer,

Fayetteville, NC.

Date: 8/29/70

Edition: FINAL

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

70-3668

(Mount Clipping in Space Below)

U.S. Official Rips 'Stunt' By Lawyers

By RICHARD DAW
Associated Press Writer

RALEIGH — U.S. Atty. Warren H. Coolidge reported Friday that Capt. Jeffrey MacDonald's lawyers staged "a cheap publicity stunt" when they tried to keep the Army from taking hair samples from their client.

Coolidge's charges came in a report on an incident at Ft. Bragg July 20 when Army authorities forced off the road a car in which MacDonald was riding with his attorneys, Bernard L. Segal and Dennis Eisman, both of Philadelphia.

Eisman was left lying on the ground with his glasses broken and his clothes disheveled and MacDonald was whisked away by military policemen and agents of the Army's Criminal Investigation Division.

Coolidge's report, direct to the criminal section of the U.S. Department of Justice, recommended that no charges be brought as a result of the incident.

The Army apparently wanted the hair samples from MacDonald for comparison with strands found in the hand of his slain wife, Colette, 26.

(Indicate page, name of newspaper, city and state.)

14 CHARLOTTE OBSERVER
Charlotte, N. C.

Date: 8-29-70

Edition:

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office:

CE

☐ Being Investigated

SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____
AUG 29 1970
FBI — CHARLOTTE

70-3765

(Mount Clipping in Space Below)

Report Calls MacDonald Hair Incident 'Cheap Stunt'

RALEIGH (AP) — U. S. Attorney Warren Coolidge has described as a "cheap publicity stunt" by lawyers an incident that occurred after military policemen forced off a road a car carrying the defense party in a murder case.

The incident ended with one defense lawyer lying on the ground and the defendant, Capt. Jeffrey R. MacDonald, taken into "protective custody" by police so they could obtain his hair sample.

Coolidge gave his opinion in a report to Washington on the July 20 incident at Fort Bragg. He sent the report to the criminal section of the U.S. Department of Justice.

IT WAS BASED partly on an

investigation by the Federal Bureau of Investigation. News-men who witnessed the incident told the FBI a big Army Criminal Investigation Division agent slammed one of the lawyers, Dennis Eisman of Philadelphia, Pa., to the ground as Eisman stepped out of a car.

Coolidge's report also was accompanied by reports on investigations by the CID itself and by members of Coolidge's staff.

Coolidge declined to comment on the report other than to confirm it had been mailed. The contents of the report were learned from other sources.

The incident occurred after a military police captain, driving a civilian car, forced off a Fort

Bragg road a car carrying the defense party and a trailing car carrying newsmen. In the lead car were MacDonald, Eisman and his law partner, Bernard L. Segal.

The Army authorities said they wanted to take the 27-year-old Green Beret physician into custody to obtain hair samples for use in investigation of murder charges against him.

MacDonald, of Patchogue, N. Y., is charged with three counts of premeditated murder in the Feb. 17 slayings of his wife and two children at their Fort Bragg residence.

Newsmen who observed the incident reported one of the military authorities threw Eisman to the ground.

The Army issued a statement later that day saying Eisman "stood as to block the military police from reaching MacDonald" and that before Eisman was touched, he "wrenched himself violently aside and either fell or threw himself to the ground."

THE ARMY authorities took MacDonald from the scene and obtained the hair samples they sought.

A hearing into the charges against MacDonald, aimed at determining whether he should stand trial at a general court martial, is scheduled to resume at Fort Bragg Sept. 5 after a three-week recess.

(Indicate page, name of newspaper, city and state.)

1 CHARLOTTE NEWS
Charlotte, N. C.

Date: 8-28-70

Edition:

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office: CE

☐ Being Investigated

| | |
|-----------------|--------------|
| SEARCHED..... | INDEXED..... |
| SERIALIZED..... | FILED..... |
| AUG 30 1970 | |
| FBI — CHARLOTTE | |

10-3765

(Mount Clipping in Space Below)

Publicity Stunt Charged

Coolidge Talks On MacDonald

RALEIGH (AP)—U.S. Atty. Warren Coolidge has described as a "cheap publicity stunt" by lawyers an incident that occurred after military policemen forced off a road a car carrying the defense party in a murder case.

The incident ended with one defense lawyer lying on the ground and the defendant, Capt. Jeffrey R. MacDonald, taken into "protective custody" by police so they could obtain his hair sample.

Coolidge gave his opinion in a report to Washington on the July 20 incident at Ft. Bragg. He sent the report to the criminal section of the U. S. Department of Justice.

It was based partly on an investigation by the Federal Bureau of Investigation. Newsmen who witnessed the incident told the FBI a big Army Criminal Investigation Division (CID) agent slammed one of the lawyers, Dennis Eisman of Philadelphia, Pa., to the ground as Eisman stepped out of a car.

Coolidge's report also was accompanied by reports on investigations by the CID itself and by members of Coolidge's staff.

Coolidge declined to comment on the report other than to confirm it had been mailed. The contents of the report were learned from other sources.

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The Army authorities said they wanted to take the 27-year-old Green Beret physician into custody to obtain hair samples for use in investigation of murder charges against him.

MacDonald, of Patchogue, N. Y., is charged with three counts of premeditated murder in the Feb. 17 slayings of his wife and two children at their Ft. Bragg residence.

Newsmen who observed the incident reported one of the military authorities threw Eisman to the ground.

The Army issued a statement later that day saying Eisman "stood as to block the military police from reaching MacDonald" and that before Eisman was touched, he "wrenched himself violently aside and either fell or threw himself to the ground."

The Army authorities took

MacDonald from the scene and obtained the hair samples they sought.

MacDonald's attorneys had tried unsuccessfully earlier to get U. S. District Judge Algernon Butler of Clinton to issue an order preventing the Army from taking the samples. The attorneys contended it would violate MacDonald's constitutional rights by requiring him to provide evidence against himself.

The Army apparently wanted the hair samples to compare with strands found in the hand of MacDonald's slain wife, Colette, 26.

The samples were sent to the Army Criminal Investigation Division laboratory at Ft. Gordon, Ga., but no word of the outcome of the tests has been made public.

A hearing into the charges against MacDonald, aimed at determining whether he should stand trial at a general court martial, is scheduled to resume at Ft. Bragg Sept. 8 after a three-week recess.

(Indicate page, name of newspaper, city and state.)

Page 1A &
2A

Fayetteville
Observer,
Fayetteville, N.C.

Date:

8/28/70

Edition:

FINAL

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

70-3668

10-52431-13

A
SAC, Charlotte (70-3765)

12/24/70

Director, FBI

1- []

[]

b6
b7C

ET AL.
BERNARD L. SEGAL - VICTIM
CGR - ASSAULT

EL

8
9

By return communication, advise status of investigation.

HAS:rab
(4)

dy

EX-113
REC-69

70-52631-14

MAILED 11

DEC 24 1970

COMM-FBI

19 DEC 28 1970

Tolson _____
Sullivan _____
Mohr _____
Bishop _____
Brennan, C.D. _____
Callahan _____
Casper _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Savel _____
Walters _____
Byars _____
Tele. Room _____
Holmes _____

[Handwritten signature]

53 JAN 1 MAIL ROOM [] TELETYPE UNIT []

F B I

Date: 12/29/70

WT

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (70-52631)
 FROM: SAC, CHARLOTTE (70-3765) (P)
 SUBJECT: [REDACTED]

b6
b7c

ET AL;
 DENNIS HUBERT EISMAN, VICTIM,
 ET AL
 CGR - ASSAULT

Re Bureau letter dated 12/24/70.

The results of inquiries conducted by the Bureau in this case are set forth in the reports of SA H. WARREN TOOL, JR., dated 7/29/70, and 8/17/70. Copies of both of these reports were furnished the U. S. Attorney, Eastern District of North Carolina, at Raleigh, N. C.

By routing slip of 9/3/70, the Bureau forwarded to Charlotte a copy of an 8/31/70, letter to Victim BERNARD L. SEGAL from WILL WILSON, AAG, CD, Department of Justice, written apparently by CARL W. BELCHER, Chief, General Crimes Section. This letter informed that the Department was to conduct an independent review of the reports, at the request of U. S. Attorney WARREN H. COOLIDGE, EDNC, and that "following such review we will, of course, direct any further action we may deem necessary to insure adequate and just disposition of the matter." *dent*

By letter of 12/23/70, the attention of Mr. COOLIDGE was called to the Bureau's reports, and to the CID report of 8/7/70, a copy of which had been made available to him. In the letter COOLIDGE was asked for his prosecutive opinion. No reply has been forthcoming from Mr. COOLIDGE and efforts to contact him at his office today have not been successful.

② - Bureau
 2 - Charlotte

ST-109

REQ 74

70-52631-15

HWT:ash
 (4) 58 JAN 11 1971

DEC 30 1970

Approved: _____
 Special Agent in Charge

Sent: _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

CE 70-3765

This matter will be followed in an effort to obtain an opinion. It is not known at Charlotte whether or not the Department has given Mr. COOLIDGE further guidance in this matter.

- 2 -

Approved: _____
Special Agent in Charge

Sent: _____ M Per _____

FEDERAL BUREAU OF INVESTIGATION

| | | | |
|---|--------------------------------------|---|--|
| REPORTING OFFICE CHARLOTTE | OFFICE OF ORIGIN CHARLOTTE | DATE 5/18/71 | INVESTIGATIVE PERIOD 5/12/71 |
| TITLE OF CASE <div style="border: 1px solid black; height: 40px; width: 250px; margin: 5px 0;"></div> DENNIS HUBERT EISMAN - VICTIM; BERNARD LARRY SEGAL - VICTIM | | REPORT MADE BY SA H. WARREN TOOL, JR. | TYPED BY LHH |
| | | CHARACTER OF CASE CGR - ASSAULT | b6 b7C |

REFERENCES:

Charlotte report of SA H. WARREN TOOL, JR., 8/17/70.
Charlotte airtel to Bureau, 12/29/70.

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ADMINISTRATIVE:

An extra copy of this report is being furnished to the Bureau for use in dissemination to Department of Army if desired.

| | | | | | | | |
|---|----------------------|------|-------|---------|--|---|--|
| ACCOMPLISHMENTS CLAIMED | | | | | <input checked="" type="checkbox"/> NONE | ACQUIT- TALS | CASE HAS BEEN: |
| CONVIC | AUTO. | FUG. | FINES | SAVINGS | RECOVERIES | | PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| APPROVED <i>[Signature]</i> COPIES MADE: | | | | | | DO NOT WRITE IN SPACES BELOW | |
| 3 - Bureau (70-52631) (RM) 1 - USA, Raleigh, N. C. (RM) 1 - Charlotte (70-3765) | | | | | | 70-52631-17 20 MAY 24 1971 REC-21 ST-105 | |
| Dissemination Record of Attached Report | | | | | | Notations | |
| Agency | 1-Army NST/KA 6-3-71 | | | | | <i>[Handwritten: Scotty, 4/1, STAFF SECT.]</i> | |
| Request Recd. | | | | | | | |
| Date Fwd. | | | | | | | |
| How Fwd. | F-444 | | | | | | |
| By | 61 JUN 8 1971 | | | | | | |

A*
COVER PAGE
 30
EXP. PROC.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - United States Attorney, Raleigh, North Carolina (RM)

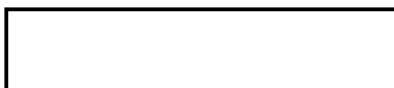
Report of: SA H. WARREN TOOL, JR. Office: CHARLOTTE

Date: May 18, 1971

Field Office File #: 70-3765

Bureau File #: 70-52631

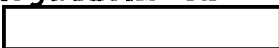
Title:

b6
b7CDENNIS HUBERT EISMAN - VICTIM;
BERNARD LARRY SEGAL - VICTIM

Character:

CRIME ON GOVERNMENT RESERVATION - ASSAULT

Synopsis:

USA, EDNC, Raleigh, N. C., referred allegations of victims to CD, DJ. Local publicity re  incident set out. USA states prosecution not warranted; that subjects used no more than sufficient force in carrying out their ordered duties.

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b7C

- C -

DETAILS:

Referral/Direct

AT CHARLOTTE, NORTH CAROLINA

CE 70-3765

The August 28, 1970, issue of the Charlotte News, an evening daily except Sunday newspaper published at Charlotte, North Carolina, contained the following article.

CE 70-3765

On August 29, 1970, issue of the Fayetteville Observer, a daily newspaper published at Fayetteville, North Carolina, contained the following article.

CE 70-3765

On May 12, 1971, this matter was discussed with United States Attorney WARREN H. COOLIDGE, Eastern District of North Carolina, who maintains offices at Raleigh, North Carolina.

Mr. COOLIDGE said he had reviewed all of the material submitted in this case and had considered all of the evidence. He said he had furnished pertinent material to the Criminal Division of the United States Department of Justice, with the recommendation that no action be taken against [] and [] believing that no more than sufficient force was used by them in carrying out their duties. Thus, prosecution was not being considered.

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